



BRENTWOOD  
FOREST

## Election and Campaign Policies and Procedures

Policy Category	Policy Number
Election	BF.ELE.005

### Description

This policy describes information related to the Brentwood Forest Board of Managers Election.

### Election

Brentwood Forest is divided into five (5) wards for the sole purpose of electing Board Members to the Brentwood Forest Condominium Association Board of Managers. Each ward is to be represented by two Board Members for a total of ten (10) Board members.

The result of elections to the Board of Managers is announced at the Annual Owner's Meeting, held in June each year. Notice of this date, time and place of the Annual Owner's Meeting is published in the Forest Line.

### *Election to the Board of Managers*

#### **Candidate Qualifications**

1. A candidate for the Board of Managers must own a condominium unit in the ward in which he/she seeks election. A Unit Owner is not required to be a resident of Brentwood Forest to be eligible for election to the Board. A resident who is not a Unit Owner is not eligible for election to the Board.
2. Per section 14.1 of our by-laws, not more than one member of the seated Board shall have an interest in the same building, provided, however, that such conflict shall be based on the unit address and building under which the candidate applied. A) If a candidate applies using an address in a building in which a current Board member, whose term does NOT end at the annual meeting, also has an interest, then the previous application of the current Board member shall be examined to determine under what address the current Board member applied and to determine the building in which that unit is located. If the candidate is running under an address in the same building as the address appearing on the current Board member's previous application, then the candidate is not eligible to stand for election. If the candidate is running under an

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address that is not in the same building as the unit address appearing on the current Board member's previous application, then that candidate is eligible to stand for election. B) If two or more candidates who are not disqualified under Subparagraph A apply to run using addresses in the same building, then the candidate with the most votes shall win that seat.

FACTS FOR THE SCENARIOS: Susie owns one unit. It is located in Building 20 in Ward 1.

Jared owns two units. One unit is located in Building 20 in Ward 1 and the other unit is located in Building 35 in Ward 3.

Scenario #1: Susie is a seated Board member for a two-year term. Her first year will end at the next Annual Meeting and she will remain on the Board after the Annual Meeting. Jared applied to run for the Board under the address that he owns in Building 20 in Ward 1. **Jared is ineligible** to run because he applied under an address in Building 20, in which Susie has an interest.

Scenario #2: Susie is a seated Board member for a two-year term. Her first year will end at the next Annual Meeting and she will remain on the Board after the Annual Meeting. Jared applied to run for the Board under the address that he owns in Building 35 in Ward 3. **Jared is eligible** to run because he applied under an address in Building 35 and Susie previously applied to run under an address in Building 20. If Jared wins in Ward 3, he will be seated. Although that results in two board members having an interest in the same building, it's allowed because Jared did not run under the address of the unit that he owns in Building 20.

Scenario #3: Neither Susie nor Jared is on the Board or if they are, their terms are ending at the next Annual Meeting. There is one seat open in Ward 1. Susie applies to run under her only unit, in Building 20 in Ward 1. Jared applies to run under the address that he owns in Building 20 in Ward 1. They are the only candidates. **Both are eligible to run. However, the winner will be the candidate who receives the most votes in Ward 1.** The result is the same even if there are three or more candidates.

Scenario #4: Neither Susie nor Jared is on the Board or if they are, their terms are ending at the next Annual Meeting. There are two seats open in Ward 1. Susie and Jared are the only candidates. They both apply under the address they own in Building 20. Under Section 14.1 as interpreted above, only the candidate with the most votes will win the two-year seat. The runner-up cannot be seated because that would result in two board members having an interest in the same building and both candidates applied to run using an address in the same building. **There will be a vacancy for the one-year term in Ward 1.**

Scenario #5: Same as #4 except that Susie applies under the unit she owns in Building 20 in Ward 1, Jared applies under the unit he owns in Building 20 in Ward 1, and a third candidate, Christopher, applies under the unit that he owns in Building 22 in Ward 1. There are two seats open in Ward 1. The candidate who receives the most votes will be seated for two years. If Christopher receives the most votes, then he will be seated for the two-year term and the

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person who came in second will be seated for the one-year term (either Susie or Jared). If Susie receives the most votes, then she will be seated for the two-year term and Christopher will be seated for the one-year term whether he came in second or third. If Jared receives the most votes, then he will be seated for the two year-term and Christopher will be seated by the one-year terms whether he came in second or third. **Susie and Jared cannot both be seated because both applied using an address in the same building.**

Scenario #6: There is one two-year vacancy in Ward 1. Greg owns 8 units spread across all five wards, including a unit in Building 20 in Ward 1. Melissa owns 10 units spread across all five wards, including a unit in Building 20 in Ward 1. Building 20 in Ward 1 is the only building in which they have overlapping ownership. Susie applies to run in Ward 1 under her unit in Building 20 in Ward 1. Greg applies to run in Ward 4 under an address in Ward 4 and Melissa applies to run in Ward 5 under an address in Ward 5. All three candidates receive the most votes in their respective races. **All three will be seated because, even though they all have an interest in Building 20 in Ward 1, only one candidate ran under an address in Building 20.**

3. A board member who has served two two-year consecutive terms by election may not seek election for a third consecutive term. However, a board member who has served only one full two-year term by election may run for a second term even if the Unit Owner had served a partial two-year term either by appointment or being elected to a partial term, prior to being elected to the first full two-year term. This may result in serving more than four consecutive years as a board member.
4. The community manager shall determine whether an applicant is eligible to stand for election by verifying compliance with the ownership requirement in Paragraph 1. If an applicant is in conflict under Section 14.1 of the Bylaws with a current board member whose term does NOT end at the Annual Meeting, then that applicant is not eligible to stand for the election.

### **Board Candidate Registration**

The registration period shall be March 1 – April 15, or any other period determined by the Board from year to year. Notice of the registration period shall be printed in the Forest Line.

1. A candidate may submit a registration application on the form authorized by the Board of Managers, along with a brief personal profile stating background, experience and reasons for candidacy. These materials must be submitted on or before the last day of the registration period.

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- a. A candidate who owns units in different wards and decides after filing application materials to withdraw from the original ward and file for another ward must complete and submit a new form on or before the last day of the registration period for similar processing.
  - b. A designated representative of a Unit Owner that is a corporation, limited liability company or partnership may seek election. In addition to the materials required of other candidates, this person must also submit a letter from the corporation, limited liability company or partnership authorizing the candidacy. Where a Unit is owned by a trust, the trustee or a beneficiary of the trust may seek election, upon proof satisfactory to the election committee of being a trustee or beneficiary of the Unit owning trust.
  - c. If applications are allowed to be submitted to the office, then, upon receipt, an Association employee shall date stamp the application materials and return a copy of the date stamped materials to the candidate, keeping the original materials filed at the Association office. If applications are submitted online with an independent company, then the records of the independent company shall be used to determine when the application was received.
  - d. A candidate who owns multiple units within Brentwood Forest in more than one (1) ward must select one (1) ward in which to run for the Board. A candidate with multiple units is NOT permitted to run in multiple wards at the same time during a single election period. A candidate can NOT change the ward in which they choose to run once the application period has closed.
  - e. The order in which the candidates are listed on the ballot shall be based on the order that the candidates register to run in the election. The candidate that registers first will be listed at the top of the ballot.

### **Voter Qualifications**

1. Only Unit Owners may vote. A non-owner resident may not vote on behalf of a Unit Owner.
2. A Unit Owner may only vote for a candidate in the ward in which the unit is located.
3. Only one vote per unit may be cast even if more than one person owns the unit.
4. An individual who owns more than one unit may cast one vote per unit owned. The address on the ballot must correspond to the ward.

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## Voting

1. The election shall take place at the Annual Meeting, as set forth in the Bylaws. Ballots shall be cast by Unit Owners either in person or by proxy at the Annual Meeting. If an independent company is used, then Unit Owners may submit an Official Proxy through the independent company and those Proxies shall be provided to the Association prior to the Annual Meeting. The proxy holder must be present at the Annual Meeting in order to use the proxy to cast a ballot.
2. Unit Owners may cast their ballot using one of the following methods:
  - a. In person at the Annual Meeting.
  - b. By proxy, if the proxy holder is present at the Annual Meeting. The proxy may be submitted through an independent company selected by the Board or a paper proxy may be used.
3. A Unit Owner may not change his or her vote once a ballot has been cast.
4. A ballot will be invalidated and not counted if the person casting the ballot at the Annual Meeting is not a Unit Owner on that date. In addition, a ballot will be invalidated and not counted if any of the following irregularities occurs:
  - a. A proxy is attempted to be used but there is no name identifying the Proxy Holder.
  - b. A Unit Owner casts a ballot for a candidate who is running in a ward where the Unit Owner does not own a condo unit.
  - c. A Unit Owner casts more than one ballot, in which case all the ballots cast by that Unit Owner are invalidated and not counted. This is true even if two seats are open in that ward.
  - d. A ballot is not signed.
  - e. A Unit Owner votes for more than one candidate.

## Ballot Tabulation, Election Results, and Seating of the New Board

1. At the start of the Annual Meeting, the Board President shall call for all Unit Owners who have not yet cast their ballot to do so and allow a reasonable amount of time for those Unit Owners to cast their ballot, either in person or by proxy.
2. After the Voting Period has been closed by the Board President, the votes will be counted. The Board will make appropriate arrangements for a third party neutral to count the ballots. After the votes are counted, the results shall be certified by the Board Secretary and announced by the Board President during the Annual Meeting.

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3. The newly elected Board members shall be seated by the outgoing Board President at the end of the Annual Meeting. The New Board then consists of the Board members whose terms did not expire and the newly seated Board members. The New Board shall select Officers as set forth in the Bylaws within 30 days after the Annual Meeting. The New Board shall determine how the voting shall be conducted and who shall count the votes. Voting may take place on paper ballots or electronically by email. Only the counters shall be allowed to see them. If the New Board has not decided on a different procedure within ten (10) days of the Annual Meeting, then the counters shall be the two individuals serving as Alderpersons on the City of Brentwood Board of Aldermen and those individuals may decide on the procedure for voting of Officers.

## Campaign

The following policies and procedures relate to campaigns for election to the Brentwood Forest Board of Managers.

Candidates are not permitted to use the Brentwood Forest logo on any signs or literature.

### *Campaign Signs*

1. Candidates for elective office to the Brentwood Forest Board of Managers may place no more than five (5) campaign signs on Brentwood Forest property.
  - a. Signs are only allowed at the following locations. Any campaign sign posted at a different location may be removed by the Association staff:
    - Wrenwood Lane near Brentwood Boulevard (southwest corner)
    - Eager Road and Bobolink Place (southwest corner)
    - Eager Road and High School Drive (southeast corner)
    - High School Drive and South Swan Circle (southwest corner)
    - Eager Road (south side) at McCutcheon
  - b. A candidate who chooses not to place a sign at one or another of the designated sites may not place more than one sign at another designated site or anywhere else on Brentwood Forest property.
2. Campaign signs may be posted beginning on May 1st and must be removed within twenty-four (24) hours following the Annual Meeting in June. Any campaign signs posted before or after this authorized period may be removed by the Brentwood Forest staff
3. Campaign signs shall be no larger than twenty-four inches by eighteen inches (24"x18").

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4. Signs may not be attached to Brentwood Forest signs, buildings, pots, trees: the Brentwood Forest community bulletin board or any City of Brentwood property within the Brentwood Forest grounds.

### *Campaign Literature*

1. Candidates may post one (1) flyer on the Brentwood Forest community bulletin board (northwest corner of Wrenwood Ln and High School Drive) beginning on May 1st.
2. Flyers may be left at the doors of individual condominium units beginning on May 1st. Any unclaimed flyers must be removed within forty-eight (48) hours after distribution.

### *Canvassing door-to-door in person*

1. Candidates may canvas door-to-door during reasonable hours beginning on May 1st. A resident's request not to be disturbed must be honored.

### *Campaigning During the Voting Period*

Campaigning during the Annual Meeting is not permitted. Campaigning outside the Clubhouse prior to the start of the Annual Meeting is permitted if more than 25 feet from the door.

Dec. 19, 2023	Revised and approved by the Board of Managers
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Bill Reck, President