

BYLAWS

BAREFOOT BAY HOMEOWNERS ASSOCIATION, INC.

ARTICLE I NAME OF ORGANIZATION

The name of the organization is the Barefoot Bay Homeowners Association, Inc., hereinafter referred to as HOA.

ARTICLE II PURPOSES

Section 1. This corporation is formed for the general purposes of fostering, nurturing, and promoting the welfare, education, health, social enjoyment, and other needs of the property owners and residents of the several platted subdivisions known as **BAREFOOT BAY MOBILE SUBDIVISION** (hereinafter known as "**BAREFOOT BAY**"), in Brevard County, Florida. By way of illustration, and not by way of limitation, such general purposes shall include but not be limited to the following specific functions:

- a. To promote harmonious relations between the Barefoot Bay Recreation District, the Barefoot Bay Homeowners Association, Inc. and property owners of Barefoot Bay.
- b. To work with all levels of governing bodies and government agencies for the general welfare and progress of Barefoot Bay.
- c. To keep the property owners and residents of Barefoot Bay informed of legal, environmental, and other developments which may affect the community.
- d. To cooperate with volunteer groups, social groups, and religious, charitable, and educational groups for the general welfare of Barefoot Bay.
- e. To promote harmonious relationships between residents of Barefoot Bay, including the promulgation of education concerning the property

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restrictions applicable to Barefoot Bay and the enforcement of the said restrictions as necessary for the welfare of the community.

Section 2. The following restrictions shall apply to the powers of this corporation:

- a. No part of the earnings of this corporation shall inure to the benefit

of any private individual.

b. This corporation shall not directly or indirectly participate or intervene in political campaigns on behalf of or in opposition to any candidate for public office.

c. The activities of this corporation may also include a social club for the benefit, pleasure, or recreation of its members.

Section 3. This corporation shall have the further general power to engage in any lawful act for which corporations may be organized under Chapter 617 of the Florida Statutes.

Section 4. This corporation shall accordingly have the power to acquire, own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use, or otherwise obtain and dispose of real and personal property in connection with the affairs of the corporation.

ARTICLE III MEMBERSHIP

Section 1. Membership

a. All property owners and their spouses, or joint title owners, (not to exceed two (2) memberships per property in BAREFOOT BAY) shall be considered members of the HO A. No member shall be entitled to more than one membership due to ownership in more than one property. Membership privileges will terminate the same month in which property ownership in the community ceases.

b. A property owner shall be defined as a record title holder of property in BAREFOOT BAY.

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Section 2. Membership Identification Photo Badge

a. Each property owner, spouse, or other joint owner, shall be issued an identification photo badge by the **Barefoot Bay Recreation District**.

b. Membership identification photo badges must be displayed to attend all **HOA** functions within the Barefoot Bay Recreation District.

ARTICLE IV OFFICERS AND DIRECTORS DUTIES

Section 1. Elected Officers.

a. The elected officers of the HOA shall be a President, First Vice President, Second Vice President, a Secretary, a Treasurer and

Sergeant-at-Arms.

- b. There shall be six (6) elected Directors.
- c. Officers or directors of the HOA cannot, at the same time, serve as elected or appointed trustees of the Barefoot Bay Recreation District.
- d. These elected officials and directors shall be known as the **HOA Executive Board** and referred to as **The Executive Board**.

Section 2. Candidates.

Candidates for any office or directorship must be property owners whose permanent address is Barefoot Bay.

Section 3. Duties of Officers

a. President. The President Shall be the chief executive officer of the HOA, shall preside at all meetings of the HOA; Shall appoint all standing and special committee Chairmen except the Nominating Committee, and the Architectural Review Committee, with the approval of the **Executive Board**; shall be ex-officio a member of all committees except the Nominating Committee; shall act along with at least one member of the **Executive Board** as the official spokesman for the

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HO A, shall fill any vacancy which may occur among the elected officers or directors, with the approval of the **Executive Board**; shall appoint a Parliamentarian; shall be a signatory on the bank signature cards and shall perform such other authority as usually pertains to the office.

b. Vice Presidents. The Vice President shall preside in the absence of the President in the order listed in Section 1. They shall assist the President and, if presiding, have the same powers as the President in the transacting of business. Each Vice President shall be chairman of at least one committee or subcommittee. One Vice President shall be the signatory on the bank signature cards.

c. Secretary. The Secretary shall keep a true record of the proceedings of the **HOA** and the **Executive Board**. The Secretary shall give notice of all regular and special meetings of the **HOA** and of the **Executive Board**. The Secretary shall perform such other duties as may be required by the President or the **Executive Board**. Written committee reports shall be placed on file. Any request for information on previous business must be requested in writing, signed, and reason given.

d. Treasurer. The Treasurer shall keep the financial records of the HOA, receive all monies due the HOA, and give receipts for same, deposit such funds to the HOA depository(ies), be a signatory on the bank signature cards, and pay bills when properly authorized by the **Executive Board**. At each regular meeting of the **Executive Board** and of the **HOA**, the Treasurer shall present a financial report and shall submit an annual report to the **Executive Board** and to the **HOA**. At the close of the fiscal year, the last day of December, all vouchers and other pertinent papers shall be submitted for audit.

e. Sergeant-at-Arms. The Sergeant-at-Arms shall, when circumstances require, preserve order at meetings of the **Executive Board** and the **HOA**. When requested by the Presiding Officer, he shall verify credentials of persons entering the meeting hall and ban any ineligible persons or direct them to a separate area. He shall give a count of members present to the Presiding Officer at each meeting to ensure there is a quorum.

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f. Directors. The Directors shall be members of the **HOA** elected for a term of three (3) years. They shall be members of the **Executive Board** and assist the elected officers in the administration of the **HOA**. Each Director shall be a Chairman of at least one committee or subcommittee. If a Director becomes a candidate for an officer's position, he will automatically be resigned from his position as a Director, to be effective no later than the date that he would take his new office, or the date on which his successor would take office as a Director.

Section 4. Term of Office. The term of office, except for the Secretary and Treasurer, shall be for one (1) year, or until their successors are installed. No officer or Director (except Secretary and Treasurer) shall serve more than two (2) consecutive terms in the same office. The Secretary and Treasurer may serve for as long as they are re-elected.

Section 5. Vacancies.

a. A vacancy in the office of President shall be filled by the First Vice President. The Vice Presidents shall move up and the vacancy shall be in the lowest ranking Vice President. The vacancy shall be filled by an appointment by the President subject to the approval of the **Executive Board**.

b. A vacancy in the other offices shall be filled by an appointment by the President, subject to the approval of the **Executive Board**, for the unexpired term of that office. Any vacancies of directors at the time of

the election shall be added to the number of directors nominated at the October meeting. Candidates receiving the highest number of votes shall complete the longest unexpired term.

Section 6. Removal of Officers or Directors.

a. **The Executive Board** may, by a two-thirds (2/3) vote, ask an Officer or Director to resign for just cause. *Just cause* is defined as any action that violates existing bylaws of the HOA or actions causing embarrassment to the HOA. The Officer or Director shall be notified in writing of such action.

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b. Any officer or director may be removed for cause by a two-thirds (2/3) vote of the members of the **HOA** present at a special meeting called for that purpose after a motion (seconded) for removal has been made and approved at a previous regular meeting of the HOA.

c. Any officer or director who fails to attend two (2) consecutive months of meetings of the HOA without good cause acceptable to the **Executive Board** may be removed from office. The officer or director shall be notified in writing of such action.

d. These elected officers and directors shall be known as the **HOA Executive Board**, referred to as **The Executive Board**.

Section 7. Conflict of Interest. No person or persons living in the same household shall be an officer or director or continue in any office of the HOA, nor whose employment status, or whose offices, titles or duties in connection with any business, political organization or entity, union or any other association or organization, or may tend to, create a possible conflict of interest. This would not prohibit an officer or director from running for a Recreation District Board of Trustees position. If elected, officer or director will resign or be removed from the **Executive Board** of Directors prior to installation of new position.

**ARTICLE
V
ELECTION
S**

Section 1. Date. The election shall be by ballot on the second Tuesday in January unless there is an emergency. The **Executive Board** will reschedule the election date as soon as possible.

Section 2. Offices. The officers to be elected are, President, First Vice President, Second Vice President, Secretary, Treasurer, and Sergeant-at-Arms. Two (2) directors shall be elected (except as

noted in Article IV, section 5 b).

ARTICLE VI MEETING- QUORUMS

Section 1. General Meetings of the HOA. General meetings of the HOA shall be held on the second Tuesday of each month, except June,

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July and August, at Building "A" unless otherwise ordered by the **Executive Board** with notification to the HO A.

Section 2. Special Meetings. Special meetings of the HOA may be called by the President, the **Executive Board**, or fifty (50) members of the HOA. The notice shall be issued at least four (4) days before the meeting by the Secretary. Only business mentioned in the call for the special meeting can be transacted at such a meeting.

Section 3. Annual Meeting. The February meeting of the HOA shall be known as the annual meeting. At this meeting, the newly elected officers and directors shall be installed and shall assume office at the close of this meeting. The outgoing officers shall give their annual reports and the incoming President may announce the committee appointments.

Section 4. Quorum.

- a. The quorum for **general** meetings of the HOA shall be one hundred (100) members. At any meeting where the quorum is present, should enough members withdraw to leave less than a quorum, the remaining members may conduct all business. The remaining member's vote shall carry the outcome of any motion.
- b. The quorum for **general** meetings of the HOA at which an officer or director may be removed from office, or approval of the bylaw changes, shall be one hundred (100) members.
- c. The quorum for the **Executive Board** meetings shall be at least four (4) voting members which must include at least one (1) officer as defined in Article IV, Section *L*

ARTICLE VII EXECUTIVE BOARD

Section 1. Membership. The five (5) elected officers and six (6) directors shall comprise the **Executive Board** of the HOA.

Section 2. Duties. The **Executive Board** shall:

a. Be responsible for establishing the policies and conducting the business of the HOA according to the Florida Statutes.

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b. Present a budget to the HO A.

c. Determine that the officers and directors have properly carried out their functions and duties.

d. Designate a certified public accountant to audit, by review or compilation or indepth audit, the financial records of the Treasurer annually not later than March 15th and shall report the results for adoption of the association upon completion.

e. Hold, prior to the installation of officers and directors, a special meeting to organize the **Executive Board**, which will include approving the Chairmen of standing committees as appointed by the incoming President. The **Executive Board** shall determine the special committees required, define the duties approve the Chairmen of special committees appointed by the incoming President.

Sections. Chairman of the Executive Board. The President of the HOA shall be the Chairperson of the **Executive Board**. The term of office is one (1) year. In the absence of the elected President, the First Vice President or Second Vice President shall act as Chairperson, in that order.

Section 4. Voting Members. Members of the **Executive Board** shall determine the type of vote to be taken at meetings (i.e. hand vote, voice vote or ballot vote).

Section 5. Meetings.

a. Regular meetings of the **Executive Board** shall meet on the first Tuesday of each month in Building "D& E" unless otherwise ordered by the **Executive Board** with notification to the HOA.

b. Special Meetings of the **Executive Board** shall be called by the President or at the request of at least four (4) members of the **Executive Board**.

c. The meetings of the **Executive Board** shall be open to all property owners, as observers, who will not have voice or vote, except that they

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may have voice at the beginning of the meeting, and under new business to a pending motion **or if asked to contribute to business at hand.**

d. Executive Session; The Executive Board, with a majority vote of its members, may go into executive session with members of the board and special invitees. The results will be announced when available.

Section 6. Architectural Review and Control Committee. The Executive Board shall elect two (2) property owners who have resided in Barefoot Bay for at least ten (10) months of the year to the Architectural Review and Control Committee at the March meeting to serve for one (1) year. They may be reelected for subsequent terms. In the event of a vacancy for any reason, a replacement shall be elected by the **Executive Board** to serve the unexpired term.

Section 7. Report of Committees. The President of the HOA shall receive, at or prior to the meeting of the **Executive Board**, one copy of designated committee reports for;

- a. Information and/or action by the **Executive Board**.
- b. Recommendation to the HOA for approval or disapproval of certain actions.
- c. Filing by the Secretary after action taken by the HOA or included or attached to the minutes upon majority vote of the HOA.

Section 8. Report to the Executive Board.

- a. The Secretary shall bring the report of the **Executive Board**, which may have recommendations, and the results of all motions and reports of committees for action, to the HOA.
- b. All recommendations from the **Executive Board** may be voted upon at the HOA meetings at the time of the report of the **Executive Board**.
- c. All recommendations from the **Executive Board**, not included in the budget, shall be brought to the membership for approval, either by vote of
of
the general assembly or by referendum, at the discretion of the

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Executive Board. If a referendum is to be held, it will be conducted according to the HOA's election rules.

Section 9. Funding Authority.

- a. **The Executive Board** shall have authority for expenditures of HOA
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funds, not to exceed the budget by more than five hundred dollars (\$500) totally combined during the period between HOA meetings. Each expenditure made under this authority shall be reported to the HOA at

the next meeting.

b. The total commitment of funds at any time shall not exceed forty (40%) of available cash in the treasury.

c. **The Executive Board** shall have authority to establish or authorize petty cash funds as may be required from time to time, to carry out the purposes of the **HOA**.

Section 10. Records. Each officer, director and committee Chairman shall transfer all permanent records and other property to his successor within five (5) days after the beginning of the new administration.

**ARTICLE VIII
COMMITTEES**

Section 1. Standing and Committees. The following may be standing committees of the **HOA**:

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|------------------------|------------------------|
| a. Bylaws | e. Transportation |
| b. Community Relations | f. Recreational Needs |
| c. Entertainment | g. Legislative & Civil |
| d. Financial Review | h. Ways & Means |
| | i. Publicity |

and any other standing committees which from time to time may be deemed necessary.

Section 2. Special and Ad Hoc Committees. **The Executive Board**, in a special organizational meeting prior to the installation of

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officers and directors, shall Determine any additional special **and ad hoc** committees required and define the duties. The President shall appoint the Chairmen of special **and ad hoc** committees with the approval of the Executive Board. Special **and ad hoc** committees may also be established by action of the **Executive Board** and/or the HOA. The following are special committees because they do not require a written report:

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|---------------|---------------------|---------------------|
| a. Directory | d. Friends Who Care | g. Programs |
| b. Membership | e. Newsletter | h. Public Relations |
| c. Historian | f. Sound Equipment | |

Section 3. Committee Members. Each standing committee may consist of at least three (3) active members to be selected by the Chairman of the committee. Special committees shall consist of two (2) members. **Ad hoc** committees, as needed shall be appointed by the President with the approval of the **Executive Board**.

Section 4. Reports of Committees. All standing committee Chairmen shall prepare a written report each month, in triplicate, of the committee's activities. One (1) copy will be for the newsletter, one (1) copy retained by the Chairman of the committee and one (1) copy which will be read at the **Executive Board** meeting for information and/or action. This copy will be filed and become a part of the permanent records of the HOA. Reports shall be recorded in the minutes or attached to the minutes. From time to time, reports deemed to be important, may, by vote of the HOA, be recorded in the minutes and/or attached to the minutes. Recommendations from the **Executive Board**, to the **HOA** resulting from action taken on reports of committees will be made at the time of the report of the **Executive Board** or under new business.

**ARTICLE IX
PARLIAMENTARY
AUTHORITY**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the HOA in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the HOA may adopt, or State Statutes.

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**ARTICLE X
DISSOLUTION
N**

Section 1. Authorization to Dissolve.

- a. The HOA may be dissolved by a two-thirds (2/3) vote by referendum of the HOA.
- b. A two-thirds (2/3) vote of the HOA is defined as two-thirds (2/3) of the membership as defined in Article III on the date of the referendum.
- c. After a motion for dissolution the **Executive Board** shall schedule the referendum as soon as practical, but no later than two (2) months after that meeting. The referendum shall be conducted by mailing a ballot to each member with a specified return date.
- d. Should the referendum be approved to dissolve the HOA, such action will be automatically held for a period of ninety (90) days before taking effect to allow for an orderly dissolution.

Section 2. Procedures. When an affirmative dissolution vote has been recorded, the following actions will be taken:

- a. **The Executive Board** shall be empowered to act in behalf of the

HOA in all matters pertaining to the dissolution.

- b. Regular meetings of the HOA will be suspended.
- c. **The Executive Board** will engage the services of an attorney.
- d. **The Executive Board** will satisfy all indebtedness of the HOA.
- e. **The Executive Board** shall prepare recommendations for and recommend disposal of all assets according to law and in compliance with the action of the HOA at its final meeting.

Section 3. Final Meeting of the HOA.

- a. A special meeting of the HOA will be called to act on the

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recommendations of the **Executive Board** and such other final matters as may be required.

- b. Notice of the final meeting shall be given to members by public advertisement no less than ten (10) days in advance of the meeting date and time.

Section 4. Charter (Articles of Incorporation). The Charter (Articles of Incorporation) shall be returned to the Secretary of State of the State of Florida for cancellation.

**ARTICLE XI
AMENDMENT OF
BYLAWS**

Section 1. Application. The bylaws and general rules reflect all amendments approved by the members to February 13, 2007, and supersede all previously published bylaws and general rules.

Section 2. A motion. A motion (seconded) to amend these bylaws may be made at any meeting of the HOA. The motion will automatically be referred to the bylaws committee for review and for presentation to the HOA. Amendments to the bylaws may only be presented at the December meeting of the HOA, presented for a second time at the January meeting of the HOA and voted on at the February meeting of the HOA.

Section 3. Vote. The vote to amend these bylaws shall be two-thirds (2/3) of those present and voting, a quorum of not less than one hundred (100) members being present.

Section 4. Emergency Amendments.

- a. In the event the bylaws committee, with the approval of the **Executive Board**, declares that a proposed amendment to the bylaws is of an emergency nature, such an amendment shall require a three-fourths (3/4) vote of the **Executive Board** present and voting before presentation to the HOA.
- b. This emergency bylaw amendment shall be presented at the next

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meeting of the HOA, presented again and voted upon at the following meeting of the HOA. Approval of such emergency amendments shall be a two-thirds (2/3) vote of those present and voting, the quorum for these emergency bylaw amendments being one hundred (100) members.

Section 5. Power of Executive Board To Propose Amendments to Bylaws. Subject to limitations of the Articles of Incorporation, these bylaws and the Florida Corporations Not for Profit Law concerning corporate action that must be approved by the members of the corporation, the bylaws of this corporation may be amended, repealed, or added to, or new bylaws may be adopted by a resolution of the **Executive Board** presented to the members as set forth in Article XI, Sections 2 and 3.

Section 6. Amendments to the Articles of Incorporation. The Articles of Incorporation maybe amended under the limitations as proposed in the Articles of Incorporation document. These bylaws may not be in conflict with the Articles of Incorporation.

Section 7. Changes and Amendments. Recommended by the bylaws committee shall be submitted in writing to the individual members of the **Executive Board**, one (1) week before the **Executive Board** meeting.

ARTICLE XII STATUTES

Notwithstanding the aforesaid bylaws and the following general rules, the corporation and the **Executive Board** shall act within the confines of Florida State Statutes.

GENERAL RULES - RULES OF ORDER - STANDING RULES

1. General rules, supplemental to the bylaws, will be established for the purpose of recording adopted motions of the assembly. They are binding

upon the HOA until they are rescinded or modified. No rule may be adopted which conflicts with the bylaws.

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2. **General rules**, may be adopted at any regular or special meeting of the HOA. They may be adopted, amended, suspended, or rescinded by a majority vote of members in attendance. After adoption, they cannot be modified at the same session except by the motion to reconsider.

6. **The Secretary**, of the **HOA** shall be the custodian and will maintain the up-to-date master copy.

7. The **HOA**, shall meet at 7:30 p.m., on the second Tuesday of the month in Building "A" unless otherwise ordered by the **Executive Board** or the membership, with notification to the membership. The January meeting will be held on the second Wednesday of the month due to the HOA elections of the second Tuesday.

8. **Finance.**

a. Donations for organizations outside the HOA which have been approved by the **Executive Board** and/or the membership shall be distributed during the month of December except by a majority vote of the **Executive Board**, and the **HOA** at the next general meeting.

b. The HOA shall make no request of Recreation District Board of Trustees requiring them to spend over \$25,000. until such time as the HOA holds a referendum.

9. **Wedding Anniversaries. Honor those having their 50th wedding anniversaries.**

10. **Authorized Reimbursable Expenses.** A basic mileage charge shall be established at the local government rate plus other expenses, if proper receipts are submitted, such as, but not limited to, telephone, postage, office supplies, etc., are reimbursable expenses.

11.Parliamentarian.

a. Parliamentarian. The Parliamentarian, selected by the President, shall serve without voice or vote. He shall serve in an advisory capacity only. The presiding officer shall be responsible to rule.

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9. Debate.

- a. A member shall be limited to three (3) minutes for a presentation when recognized by the presiding officer and given the floor. Additional time may be granted by the presiding officer when requested by a member prior to the start of the meeting.
- b. All debate at meetings will be addressed to the assembled membership as an opinion or a motion, the recognized speaker shall not, at any time, engage the officers of the HOA in a debate.
- c. When a member is granted the floor, the privilege shall not be revoked during the approved time limit, except for cause.
- d. The use of offensive language will not be tolerated.

10. Order of Business. The Order of Business at all meetings of the HOA shall be:

- a. Invocation (optional).
- b. Pledge of Allegiance to the Flag of the United States of America.
- c. Roll call of officers and directors; attendance count (quorum call).
- d. Recess for speakers (if necessary).
- e. Reading and approving of minutes of previous meeting.
- f. Report of Executive Board.
- g. Report of Treasurer, including statement of unpaid bills.
- h. Correspondence.
- i. Reports of Committees.
- j. Reception of new members.
- k. Unfinished business.
- l. New business.
- m. Good of the Association.
- n. Announcements.
- o. Adjournment.

11. Attorney. An attorney licensed to practice law in the State of Florida may be hired by the **HOA** or **Executive Board**, if necessary.

12. Election Rules.

a. Nominating Committee Selection;

12. At the March meeting, a nominating committee to consist of five (5) members shall be nominated and elected by the membership. All nominations shall come from the floor.
13. In the event that more than five (5) persons are nominated to complete this committee, those five (5) receiving the highest number of votes shall serve, and in the event of a tie vote for the fifth (5th) position, the President of the HOA shall cast the deciding vote.
14. The five (5) members will meet and select one (1) of their number to serve as Chairperson.
15. In the event of vacancy, the remaining members shall select a replacement.

b. Selection of Candidates. The nominating committee shall select at least one (1) candidate for each office to be filled and announce their selection at the October and November meetings of the general assembly (**HOA**), regardless of a quorum. At the November meeting, additional candidates may be nominated or announced from the floor, regardless of a quorum. Any nominee from the floor must be present at the HOA meeting or submit a letter of acceptance to the secretary. The nominations shall be closed at the November meeting. The Chairperson of the nominating committee shall deliver to the Chairperson of the membership committee or elections committee (whichever applies) a written statement listing all candidates for each position. Two (2) candidates from same household is prohibited.

c. Preparation of Ballots. The candidates for each office shall be listed in the order drawn by lot by the Secretary of the HOA at the November general meeting. The list as compiled following the drawing shall be immediately provided to the elections committee Chairman. Upon receipt of the list of nominees from the Chairman of the

nominating committee, the Chairman of the elections committee shall have printed a sufficient quantity of ballots for use in the voting as well as for use by absentee voters. Only the name of the candidate and the office shall be listed on the ballot.

d. Eligibility to Vote. All members of record as of November 30 will

be permitted to vote upon presentation of their valid Barefoot Bay photo ID badge showing current Barefoot Bay property address.

e. Absentee Ballots. Any property owner shall be issued and absentee ballot in an election year upon a signed written request made to the Elections Committee Chairman, P.O. Box 779113, Barefoot Bay, Fl. 32976. No additional literature shall be enclosed with the absentee ballot. Absentee ballots must be returned by 12:00 noon the day prior to the election in a sealed envelope as provided by the Elections Committee Chairman.

f. Elections Committee. Each candidate for the highest ranking contested HOA office shall provide to the Elections Committee Chairman within ten (10) days of the November meeting, the names of fourteen (14) property owners two (2) of whom will be alternates to form, with the membership committee, an elections committee whose responsibility will be to run the property owners' voting process and to participate in tallying the ballots in the property owners election. The membership committee Chairman will also chair the elections committee. The President shall appoint, subject to approval of the **Executive Board**, a Vice Chairman of the Elections Committee who shall share duties with the Chairman. None of the above mentioned workers or membership committee members shall be a candidate or related to a candidate. Should the membership committee Chairman be a candidate, the **Executive Board** will appoint an Elections Committee Chairman. No other persons will be permitted in the voting or tallying areas.

In the event of a referendum of the HOA the Elections Committee shall be appointed by the **Executive Board** with each member nominating at least two (2) persons until a total of twenty-four (24) committee members and four (4) alternates have been selected.

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g. Election Procedures. The Elections Committee Chairman shall, on the Monday afternoon preceding the election, transport to a prearranged location, all returned absentee ballots. There, with at least two (2) persons designated by the Elections Committee Chairman, who are not candidates or holding any office in the HO A, in the presence of a committee of any or all of the candidates, check the name and verify the signature outside envelope. A letter "A" shall then be placed with the person's name on the official voting list to indicate that the person has voted. Absentee ballot envelopes not properly signed will be set aside and not opened.

The Elections Committee Chairman with two (2) or more persons designated in the preceding paragraph and in the presence of a committee of the candidates shall open the absentee ballots in the following manner: The outside envelopes shall be opened and the

secrecy envelope containing the ballot shall be placed in a large container. When all the secrecy envelopes are in the container, they shall be thoroughly shuffled. The ballots shall then be removed from the secrecy envelopes and deposited into a lockable box. Upon completion of the removal of the ballots, the box shall then be locked and secured until election day when it will be used as the ballot box.

Upon the completion of voting hours, the Elections Committee Chairman and any other person the Chairman may wish to designate, shall place all used and unused ballots, and the "Official Voting List", in a secure area.

On election day, the polls shall be open from seven (7) a.m. until seven (7) pm. The elections shall be run per procedures outlined by the Elections Committee Chairman. On the day following the election, the Elections Committee Chairman shall proceed to deliver all used ballots to a predetermined location where the election workers will tally the votes per procedures outlined by the Election Committee Chairman.

h. Election Results. The results of the counted ballots shall be reported by the Elections Committee Chairman who shall make a public announcement of same.

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i. Unopposed Election. In the event that any candidate is unopposed following the close of nominations, the President shall declare an election unnecessary for that position, and the Secretary of the **HOA** to cast one (1) vote for the nominee, after which the President shall declare the nominee(s) elected.

j. Recount. If the returns for any office reflect that a candidate was defeated or eliminated by one-half (1/2) of a percent or less of the votes cast for each office, the Elections Committee Chairman shall order a recount of the votes for each office so involved. A recount need not be reordered, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half (1/2) of a percent or less of votes cast for any such office request in writing that a recount not be made.

k. Challenged Vote. In the event any person's right to vote is challenged, the Elections Committee Chairman shall determine qualifications.

l. Successful Candidate. When there are two (2) or more nominees for any one office, the one (1) receiving the most votes will be elected. In case of a tie vote, following a recount for any office, the winner will be determined by the flip of a coin.

