

Montrachét Homeowners Association

Rules & Regulations

1. MEMBERSHIP & VOTING & BOARD ELECTION

Kansas law expressly authorizes these voting methods and Montrachet codifies in their governing documents REF: Article Five, Section 2, 3, 5, 6, 7, 8.

- Every owner of a townhouse or villa is automatically a member of the Association.
- Each unit receives one vote.
- Only one vote may be cast per unit regardless of multiple owners.
- Owners may vote in person or by written proxy (on proxy form provided)
 - REF: Kansas proxy rules are codified in K.S.A. 58-4614 and Montrachet governing documents
 - Proxy Voting Defined
 - Proxies must be submitted at least 24 hours before meetings.
 - Proxies expire after three months.
 - Proxies automatically terminate upon sale of the unit.
 - Identify unit address
 - Proxies must be dated and signed by owner.
 - Undated proxies are void.
 - Proxies may be directed or undirected.
 - A proxy is valid only for the specific meeting and recessed sessions of that meeting.
 - A proxy may be revoked only through actual notice to the meeting presiding officer.
- Forty percent (40%) of eligible members constitutes a quorum for meetings.
- A sixty percent (60%) affirmative vote is required for special projects, lawsuits against members, and By-Law changes.

2. VOTING - BOARD OF DIRECTORS & ANNUAL MEETINGS

REF: Montrachet, Article Six, Section 2, 3, 4

- The Board must consist of at least three and no more than five directors.
- Directors must be members of the Association.
- Directors are elected at annual meetings with staggered two- and three-year terms.
- Vacancies may be filled by majority vote of remaining directors.
- Annual meetings are held on the first Saturday of November at 10:00 a.m.
- Written notice of meetings must be provided at least 10 days in advance.
- The Board retains authority to amend rules, enforce violations, levy penalties, suspend privileges consistent with governing documents.

Montrachét Homeowners Association

Rules & Regulations

3. BALLOT PROCEDURES & COUNTING

REF: Montrachet, Article Five, Section 5, 6, 7, 8

At check-in:

- Owners shall sign the registration roster.
- Proxy holders shall identify the unit represented.
- The Ballot Committee shall verify voting eligibility.
- Each eligible unit shall receive only one ballot.

If multiple owners appear for the same unit:

- Only one ballot shall be issued.
- Owners must designate which individual casts the vote.

4. QUORUM DETERMINATION

Prior to conducting business, the Ballot Committee shall determine quorum.

Quorum exists when:

- Forty percent (40%) of eligible members are represented:
 - In person
 - By valid proxy

*The Chair shall announce whether quorum has been achieved.

If quorum is not achieved:

- No official business requiring member vote may occur.
- Informational discussion may still occur if permitted.

BALLOT HANDLING PROCEDURES

Ballot Distribution/Ballots shall:

- Be distributed only to eligible voting representatives.
- Be numbered or otherwise controlled if deemed necessary.
- Be collected in sealed ballot containers whenever practical.

Secret Balloting

- Director elections should be conducted by secret ballot whenever reasonably practical.

Chain of Custody

Ballots shall remain under supervision of:

- Ballot Committee
 - Ballot Committee shall consist of:
 - Management company representative
 - 2 Members of the community (inspectors of Election) not on board and not running for office
- At no time should unsecured ballots be left unattended.
- Ballots shall be counted in same setting as they were received (no counting at later date)

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Rules & Regulations

5. BALLOT COUNTING PROCEDURES

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Counting Process

Ballots shall be counted in the following order:

- Verify quorum.
- Verify total ballots issued.
- Verify total ballots returned.
- Separate invalid ballots.
- Count valid ballots.
- Verify mathematical accuracy.
- Prepare written tally summary.

Invalid Ballots

Ballots may be rejected if:

- More than one ballot is submitted for the same unit.
- Ballot contains identifying marks when secret ballot is required.
- Ballot is incomplete or illegible.
- Ballot exceeds allowable votes.
- Ballot conflicts with previously validated proxy authority.
- The Ballot Committee shall maintain rejected ballots separately.

Multiple Counts

The Ballot Committee should perform:

- Initial count
- Verification recount
- A third count should occur if discrepancies exist.

6. VOTING THRESHOLDS

Standard Matters

- Unless otherwise required, matters shall pass by majority vote of members represented at the meeting.

Sixty Percent (60%) Vote Requirement. The following matters require sixty percent (60%) affirmative approval:

- Special projects and related assessments
- Filing suit against a member
- By-Law amendments
- Written ballots or valid proxies must be submitted for these matters.

Montrachét Homeowners Association

Rules & Regulations

7. CERTIFICATION OF RESULTS

Following ballot counting, the Ballot Committee shall prepare:

- Total eligible votes
- Total votes represented
- Quorum determination
- Total ballots cast
- Vote totals for each motion or candidate
- List of rejected ballots (without disclosure of vote content)

The Inspector(s) of Election or Ballot Committee Chair shall certify results.

The meeting Chair shall announce the official results.

8. RECORD RETENTION

The Association shall retain:

- Ballots
- Proxies
- Registration rosters
- Tally sheets
- Election certifications
- Records should be maintained for a minimum of one (1) year unless longer retention is required by law or legal counsel.
- Ballots should remain sealed whenever practical following certification.

9. DISPUTES & CHALLENGES

Any challenge to election results must:

- Be submitted in writing.
- Identify the specific concern.
- Be submitted within thirty (30) days after the annual meeting.

The Board may:

- Review ballots and records
- Consult legal counsel
- Order recounts if necessary
- Confirm or invalidate results based on evidence

10. BOARD ADOPTION

These procedures may be adopted by resolution of the Montrachét Homeowners Association Board of Directors and may be amended from time to time consistent with the governing documents and applicable Kansas law.