

**LEISURE VILLAGE WEST ASSOCIATION, INC.
RESOLUTION
RELATING TO ELECTION PROCEDURES**

WHEREAS, the Leisure Village West Association, Inc. (the "Association") was formed by the filing of a certain Certificate of Incorporation, on May 31, 1972, with the Secretary of State of the State of New Jersey having its offices at 959 Buckingham Drive, Manchester, New Jersey 08759; and

WHEREAS, the Association was established and exists by certain Master **Deeds with attached Bylaws recorded on January 10, 1978, in the Ocean County Clerk's Office in Deed Book 3683 page 51 et. seq.,** and as amended from time to time (collectively the " Master Deed"); and

WHEREAS, the Association's Master Deeds were amended and consolidated and recorded on **July 30, 2014 in the Ocean County Clerk's Office in Deed Book 15860-page 1840 et. seq.,**

WHEREAS, the Bylaws, Article VI, Section 1, provides, "The Board of Trustees shall have and exercise all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of Leisure Village West and may do or cause to be done all such other lawful acts and things as are not by law, by these Bylaws or otherwise, directed or required to be done or exercised by members of the Association or owners of units, or by others;"

WHEREAS, in July of 2017, the Legislature of the State of New Jersey amended the New Jersey Planned Real Estate Development Full Disclosure Act ("PREDFDA"), N.J.S.A. 45:22A-43 et. seq., establishing new requirements for the elections of the executive boards of common interest residential communities, such as the Association; and

WHEREAS, the Board now wishes to adopt the following election procedures to ensure that the Association's elections comply with new election requirements as set forth in N.J.S.A. 45:22A-45.2; and

NOW, THEREFORE, BE IT RESOLVED THAT:

Annual Meeting

1. The annual meeting of members to elect Trustees shall be held annually on the last business day in August or as otherwise set forth in the Bylaws.

Quorum

2. The presence in person or by special ballot of a one-third of the members (898 units) of the Association shall constitute a quorum for the Annual Meeting.

Election Committee

3. The Board of Trustees shall annually establish an Election Committee to assign a team of impartial inspectors to conduct the various duties associated with and required during elections.

Staff Involvement

4. The involvement of the employed staff of Leisure Village West Association in the election process shall be strictly limited to administrative and logistical support only.

Good Standing

5. A member must be in good standing to either run for or be elected to the Board of Trustees.
6. A member shall be in good standing if, and only if, he or she is current in payment of all assessments, fees, and charges; is compliant with a judgment for assessments, fees and charges; is fully compliant with a settlement agreement for assessments, fees and charges; or has requested or is participating in ADR or a court proceeding for a dispute over the matter affecting the owner's good standing.
7. At least 30 days prior to the annual meeting, the Association shall notify any member who is not in good standing and include an explanation why the member is not in good standing. The notice shall state that the resident has the right to contest the determination of good standing via ADR. The members shall be allowed to rectify their standing up until five business days prior to the election date.

Candidacy

8. All unit owners of the Association have the right to nominate themselves or other Association members in good standing for candidacy to serve on the Board.

Call for Nominations

9. On the first business day in June, the Secretary of the Board sends the first "Call for Nominations" letter, via U.S. Mail, to all members and to those with voting rights announcing a call for nominations for the position of trustee. Members are advised that they may nominate another member or self-nominate by submitting a document with the printed name, unit address, and phone number of the nominee and, if not a self-nomination, the name, unit address, and phone number of the member making the nomination along with a letter accepting the nomination from the nominee. The announcement shall also contain the following:

- a. The Annual Meeting date and time;
- b. A listing of terms available to hold office;

- c. An invitation to Candidates' Forum shall be held annually on the third Friday in July;
- d. Notification that nominees may provide a brief one-page profile and include one photo to be made available in a separate special bulletin mailed to all members;

Nomination Deadline

- 10. Nominations must be submitted to the Secretary of the Board in the Association Office no later than 4:00 p.m. of the first business day in July. If not self-nominated, a letter accepting the nomination must also be submitted.

Good Standing Status

- 11. The Secretary of the Board will verify good standing status of all nominees with the accounting department.
- 12. Nominee(s) not in good standing will be advised by the Secretary of the Board no later than the nomination deadline that they are not in good standing and the notice shall include an explanation why the member is not in good standing. The notice shall state that the nominee has the right to contest the determination of good standing via ADR. The nominee shall be allowed to rectify their standing up until five business days prior to the election date.

Nominated Candidates

- 13. Nominated candidates in good standing will be posted in alphabetical order by last name as they are received, via LVWA media by the Secretary of the Board. After such posting, nominees may begin campaign activities. No further updates will be made after the nomination deadline date or after the final slate is posted.
- 14. The Election Committee shall secure and provide equal space in each recreation hall for candidates to place their campaign material.
- 15. Candidates shall have equal opportunity to participate in one (1), twenty (20) minute, unmoderated televised event to be made available starting in alphabetical order after the nomination deadline date.
- 16. The Election Committee shall preside over preparation of ballots for mailing. The Election Committee shall produce a ballot with an alphabetical listing of candidates together with a preaddressed, stamped return envelope addressed to 959 Buckingham Drive Manchester, NJ 08759. All candidate names shall be listed in the same font, size, and color and shall not indicate which candidates are incumbent board members. The ballot shall contain one write-in line for each open seat to allow members to vote for write-in candidates. The ballot shall also contain a notification that unit owners may revoke voting-eligible tenant proxies up until the last call for votes at the Annual Meeting and state that "The use of the proxy is voluntary on the part of the granting owner. The proxy may be revoked at any time before the proxy holder casts a vote."

17. The Election Committee shall arrange the Candidates' Forum to be annually on the third Friday in July and shall be moderated by an independent non-member moderator such as an attorney or former judge. The Election Committee shall coordinate the event with the in-house TV Crew regarding the schedule. During odd years, the forum will be held at night and during even years, the forum will be held during the day.
18. The Election Committee shall supervise the mailing of the proxies and absentee ballots to all members and voting eligible tenants no later than the Friday following the Candidates' Forum and shall produce a written affirmation to serve as proof of mailing to be read at the Annual Meeting.

Voting

19. Voting members in good standing must complete the ballot by selecting their choices. All ballots shall be anonymous. Once completed, return by U.S. mail in the provided preaddressed, stamped envelope, prior to the Annual Meeting. A ballot box located at the Association Office shall be made available during business hours. Members may deliver a ballot in person at the Annual Meeting at the time and place announced for that purpose. Alternatively, the Board is authorized to hire a third party to facilitate the election process including collecting and tabulating the election ballots.

Poll Book

20. The Board Secretary shall have prepared a computer-generated listing of all members in good standing. This listing shall be used as the Poll Book.
21. Voting members in good standing opting to vote in person may do so at the Annual Meeting before 1:00 PM and must provide proper ID with name and unit address and sign the Poll Book at the door.
22. Commencing when ballots are first received until the Annual Meeting, the Election Committee shall indicate in the Poll Book that a ballot has been received from a unit. The unopened, validated ballots shall be locked in fireproof cabinet in street and unit order until the Annual Meeting.
23. The Election Committee shall produce all ballots and Poll Book at the Annual Meeting for final votes to be received.

Annual Meeting

24. The Annual Meeting shall be called to order and presided over by the highest-ranking disinterested trustee officer at the time of the Annual Meeting.
25. The Election Chair shall read into the minutes of the Annual Meeting the statement of verification of ballot mailing.
26. The Officer chairing the meeting shall make a final call for votes and for any revocation of proxies.
27. The Election Chair shall certify that a quorum has been reached. If a quorum cannot be certified, the Chair of the Annual Meeting shall accept a motion to adjourn the meeting for 30 days.

28. If a quorum has been met, the meeting shall suspend, and the Election Committee shall commence the voting process by opening envelopes containing the ballots and separating the ballots into stacks of fifty (50).
29. The Election Committee inspectors shall start tabulating the votes in public, continuing until all votes are counted and tabulated. Members may stay and observe the process but may not interfere with the count. Candidates who receive the highest number of votes shall fill the longest terms available.
30. Once the count is complete, the Chair of the Election Committee shall notify the chair of the Annual Meeting to reconvene and call the meeting back to order.
31. The Election Committee shall certify the final count and announce the results.
32. The Election Committee, after the election, shall secure all ballots for a period of two years.

Challenges

33. In the event a specific election vote is challenged, the Board shall instruct the Election Committee to provide an Investigative Sub-Committee to assist in the equitable and impartial disposition of the challenge.

General

34. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it at law, in equity, or pursuant to the Governing Documents.
35. Should any provision of this Resolution be deemed invalid, the remaining provisions hereof shall remain in full force and effect.
36. Any provision contained within any previously adopted resolution of the Association that conflicts with any provisions set forth herein shall be deemed void and this Resolution shall govern.

Revised: June 2, 2021