ROTONDA WEST ASSOCIATION, INC.

Election Committee Rules, Procedures & Political Campaign Guidelines

Date Adopted: July 14, 2011

The Rotonda West Association, Inc. (RWA) is a volunteer organization managed by a seven-member Board of Directors. These Directors share the legal and fiduciary responsibility of managing RWA funds to provide services for property owners as well as maintain and protect our lands and waterways. The Directors meet as a Board at least once a month and attend various committee meetings throughout the month.

RWA, in compliance with the Florida Statutes, the RWA Governing Documents and these Election Committee Rules, Procedures & Political Campaign Guidelines (the "Guidelines"), holds an annual election for the Board of Directors. Two people are elected to the Board of Directors at each Annual Meeting in December. The two Candidates receiving the highest number of votes will serve three-year terms.

I. PURPOSE

The purpose of these Guidelines is to establish the rules, procedures and political campaign guidelines for holding annual elections in conformance with RWA Governing Documents and the Florida Statutes.

II. ROLES AND RESPONSIBILITIES

A. Board of Directors

The Board of Directors shall be responsible for appointing the Election Committee Chairman who shall then form the Committee subject to approval of the RWA Board of Directors.

B. Association Manager

The Association Manager shall be responsible for accepting Candidate Statements at the August Election Committee meeting, ensuring timely receipt of the Candidate Statements, and confirming that the Candidate is a member in good standing, pursuant to Chapter 720, Florida Statutes, the RWA Governing Documents and these Guidelines, as may be amended from time to time.

C. Independent Auditor

The Independent Auditor (or other independent entity selected by the Board of Directors) shall be responsible for assisting the RWA in mailing the Annual Meeting Notice Packages. The RWA Independent Auditor (or other independent entity selected by the Board of Directors) shall also be responsible for receiving, validating and assisting the Election Committee with counting and tabulating the secret ballots cast by mail and in person at the Annual Meeting. The Independent Auditor (or other independent entity

selected by the Board of Directors) shall then be responsible for certifying the total of all votes cast and announcing the election results.

D. Election Committee

The Election Committee shall be responsible for coordinating the election process and shall have the following specific responsibilities:

1. Advertising on the RWA website and in the West Ways publication for Board of Director Candidates.

2. Coordinating the Election Documents with the Independent Auditor.

3. Verifying that Candidate Statements comply with these Guidelines.

4. Facilitating Candidates Night.

5. Securing and training volunteers for the Annual Meeting voting tables.

6. Counting secret ballots with the assistance of the Independent Auditor.

III. CANDIDATE QUALIFICATIONS

Any RWA Member in good standing, pursuant to Chapter 720, Florida Statutes, the RWA Governing Documents and these Guidelines, as may be amended from time to time, may be elected as an RWA Director. A high level of decorum is expected of all candidates.

Pursuant to Section 720.306(9)(b), Florida Statutes, a person who is delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days is not eligible for Board membership. Section 720.306(9)(b), Florida Statutes further provides that a person who has been convicted of any felony in this state or in a United States District or Territorial Court, or has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for Board membership unless such felon's civil rights have been restored for at least 5 years as of the date on which such person seeks election to the Board. Each candidate must submit a Notice of Intent, which must be received at the RWA office **no later than 12:01 PM on the second Friday of August,** attesting that he or she will be eligible to serve on the Board of Directors as of the date of the Annual Meeting at which he or she seeks election to the Board. RWA may conduct or have conducted a criminal investigation to verify this compliance with Section 720.306(9)(b), Florida Statutes.

IV. CANDIDATE STATEMENTS

Candidate Statements, which shall be submitted in written and electronic (compact disc, USB flash drive, etc.) format and must be received at the RWA office **no later than 12:01 PM on the second Friday of August**, shall include the following information:

1. A brief personal summary about yourself including background, education and work experience.

2. A list of all community activity and organization involvement, including RWA. **Activities/Organizations shall be listed by dates of involvement.**

3. A brief statement as to why you would like to serve as a member of the RWA Board of Directors and what you like to see RWA accomplish in the future.

4. (Optional) A picture of the candidate. Only the candidate may appear in the picture submitted.

If a candidate needs technical assistance, he or she may contact the RWA office.

A candidate **cannot** sign his or her statement as a RWA Officer or Director even if he or she occupies such position at the time the statement is prepared. The use of business letterheads or advertising is not permissible.

Candidate Statements submitted in accordance with these Guidelines will be accepted by the Election Committee. Once a Candidate Statement has been submitted to the RWA office, the candidate may not make any changes to the Candidate Statement unless required by the Election Committee to bring the Candidate Statement into conformance with these Guidelines.

DISCLAIMER: Candidate Statements are based solely on the opinion or opinions of the individual candidate and are NOT based on an opinion or opinions of RWA, its officers, directors, committee members, or employees (collectively referred to as the "Association"). The Association does not assume any liability or responsibility for the accuracy, completeness, or usefulness of the information contained in the Candidate Statements.

V. DECLARED/UNDECLARED CANDIDATES

A. Declared Candidates

A candidate who submits his or her Notice of Intent and Candidate Statement by 12:01 PM on the second Friday of August shall be considered a "Declared Candidate". Declared Candidates will have:

1. The opportunity to participate at Candidates Night,

2. Their names included in the RWA West Ways Publication;

3. Their names included on the pre-printed election ballot; and

4. Their Candidate Statements enclosed in the Annual Meeting Notice Package.

B. Undeclared Candidates

A candidate who does not submit his or her Notice of Intent and Candidate Statement by 12:01 PM on the second Friday of August shall be considered an "Undeclared Candidate". Undeclared Candidates will not have:

1. The opportunity to participate at Candidates Night,

2. Their names included in the RWA West Ways Publication;

3. Their names included on the pre-printed election ballot; and

4. Their Candidate Statements enclosed in the Annual Meeting Notice Package.

Undeclared Candidates, however, are allowed to participate in the election as a write-in candidate. Undeclared Candidates names can be written in on spaces provided on the ballots. For the votes submitted on behalf of an Undeclared Candidate to be counted, the Undeclared Candidate must self-nominate himself or herself at the Annual Meeting prior to the close of balloting.

VI. CANDIDATES NIGHT

Candidates Night will be held the third Thursday of October.

VII. POLITICAL SIGN GUIDELINES

For purposes of these Guidelines, a Political Sign is one solely pertaining to Association election (not local, state, or national elections) that contains the words "vote", "elect", and/or "re-elect" or states a position on ballot issues. All Candidates are allowed to post Political Signs provided that the Political Signs conform to Charlotte County Regulations and these Guidelines:

A. SIZE

The size of the Political Sign shall be no larger than 12x18 inches. Distance from top of the sign to ground cannot exceed 42 inches.

B. NUMBER

Lots may contain no more than one Political Sign per Candidate per lot.

C. LOCATION

Political Signs placed on placed on private property must have permission of the owner. Since the Association mows vacant lots, it is recommended that Political Signs be placed near a tree if possible to facilitate mowing and protect the sign. **All Political Signs are prohibited from road medians and public rights of way**.

D. DISPLAY TIME:

Political Signs may be displayed from October 1 to the 3rd day after the RWA Annual Meeting of the year in which the candidate is participating in the election.

Non-conforming Political Signs will be removed by the RWA and set next to the dumpster at the Community Center located at 3754 Cape Haze Drive.

VIII. CANDIDATE DISTRIBUTION OF INFORMATION

RWA membership mailing labels are available, at cost, from the RWA for all Candidates.

REMINDER: It is a **FEDERAL OFFENSE** to use the mailbox for anything other than mail going through the postal system.

IX. ANNUAL MEETING

The Annual Meeting of the Membership shall be held on the first Thursday of December or at such other time as may be designated by the Board of Directors. Meetings of the voting membership shall be held in Rotonda West, Florida or such other place as may be specifically stated in the Annual Meeting Notice.

X. MEMBERSHIP LISTS

The RWA Manager, through his designated staff, shall maintain an up-to-date and accurate record of Members of RWA Association. Members shall be responsible for notifying the RWA of their correct mailing address.

XI. ANNUAL MEETING NOTICE

Notice, which shall be signed by the RWA Secretary, will be sent to all Members of record not more than ninety (90) days, nor less than thirty (30) days, prior to the Annual Meeting. All Members of record ninety (90) days prior to the Annual Meeting shall receive notice of the Annual Meeting.

The following documents shall be included with the Annual Meeting Notice (which shall collectively be referred to as the "Annual Meeting Notice Package"):

1. RWA President's Letter to Members
2. Candidate Statements of Declared Candidates
3. Instructions for completion of Voting Certificate and Election Ballot
4. Voting Certificate
5. Secret Ballot (one ballot for each Lot/Tract)
6. Ballot envelope (one envelope for each Lot/Tract)
7. Return Envelope (one envelope for each Lot/Tract)

The RWA Board of Directors must approve all items included in the Annual Meeting Notice Package. The Annual Meeting Notice Package will be sent by United States Mail, posted on the RWA website and referenced in the West Ways Publication.

XII. UNDELIVERABLE ANNUAL MEETING NOTICE PACKAGES

Undeliverable Annual Meeting Notice Packages returned to the Independent Auditor will be marked as undeliverable and retained as official records of the Association as required by Chapter 720, Florida Statutes, as amended from time to time.

XIII. CASTING BALLOTS

Annual election voting shall be by secret ballot using mail-in ballots or by voting in person at the Annual Meeting. Proxy voting for candidates is not allowed at the Annual Meeting. Cumulative voting is not permitted. Ballots once submitted in person or by mail-in ballot cannot be changed.

A. Mail-in Ballots

The ballot must be placed and sealed in the ballot envelope. If a Lot/Tract Owner is entitled to cast more than one ballot, the Lot/Tract Owner must use separate ballot envelopes. **No markings shall be made on the outside of the ballot envelope(s).**

The ballot envelope and, if necessary, the Voting Certificate, must then be placed and sealed in the pre-addressed outer envelope. Each pre-addressed outer envelope is pre-marked with the Lot/Tract and ownership information. It shall be the responsibility of each Lot/Tract owner to notify the Association if the information printed on the outer envelope is incorrect. The owner of the Lot/Tract or the Voting Representative designated on the Voting Certificate as the individual entitled to vote on behalf of the Lot/Tract owner must sign his or her name on the outer envelope.

If a Lot/Tract Owner is entitled to cast more than one ballot, he or she must still place each ballot envelope in a separate pre-addressed outer envelope marked with the corresponding Lot/Tract information. All outer envelopes may be placed in one large envelope addressed to Rotonda West Association, Inc., c/o Webb, Lorah & Company, PL, 1107 West Marion Ave., Suite 115, Punta Gorda, Florida 33950.

The Independent Auditor shall be responsible for validating mail-in ballots. Mail-in ballots will be invalidated when:

1. The Lot/Tract cannot be determined.

2. The Lot/Tract is owned by more than one person or an entity and no Voting Certificate has been submitted or is on file with the Association.

3. There is no signature on the outer envelope or the signature on the outer envelope is not the name of the Lot/Tract owner or the individual identified on the Voting Certificate as the designated Voting Representative.

4. More than one ballot is placed in the pre-addressed outer envelope.

5. The ballot is not received at the Association or Independent Auditor office by 5:00 PM on the day before the Annual Meeting

With respect to those ballots received at the Association office before 5:00 PM on the day before the Annual Meeting, the date and time such ballot was received shall be stamped on the unopened envelope and shall thereafter be delivered, unopened, by the Association to the Independent Auditor office for confirmation of eligibility. With respect to those ballots received at the Independent Auditor office before 5:00 PM on the day before the Annual Meeting and those received by the Association before 5:00 PM on the day before the Annual Meeting and thereafter delivered to the Independent Auditor office, if the eligibility of the Member to vote is confirmed and no other ballot has been submitted for Lot/Tract for which the mail-in ballot has been submitted, the sealed inner envelope shall be removed from the outer envelope bearing the identification information and set aside until the Annual Meeting.

With respect to ballots received at the Association or Independent Auditor office after 5:00 PM on the day before the Annual Meeting, the date and time such ballot was received shall be stamped on each unopened envelope, and it shall be marked "Too Late To Be Counted".

B. Ballots Cast at Annual Meeting

Members whose mail-in ballots are received at the Association or Independent Auditor office after 5:00 PM on the day before the Annual Meeting may vote in person at the Annual Meeting. It shall be incumbent upon the member to verify whether his or her ballot was received prior to the 5:00 PM deadline.

Additionally, members who have not previously voted may vote in person at the Annual Meeting.

Members voting at the Annual Meeting must produce picture identification.

XIV. COUNTING BALLOTS

The Election Committee shall count all ballots at the Annual Meeting with the assistance of the Independent Auditor.

A ballot is deemed void and shall not be counted when it is so marked as to cast votes for a greater number of names than vacancies. No ballot shall be void if it casts votes for a number of names less than the number of vacancies. Voiding a ballot for voting on a proposal for election of directors does not void the ballot for voting on any other proposal on the ballot. Voided ballots must be marked as void and kept as prescribed in Section XVIII below.

XV. TIE VOTES

In the event of a tie, the Independent Auditor shall cause the candidates who receive an equal number of votes to draw lots.

XVI. REPORT OF RESULTS

Candidates receiving a plurality of the votes shall be elected. The total of mail-in votes and votes cast in person are to be tabulated by the Independent Auditor and then certified and announced at the Annual Meeting.

In the event that an Undeclared Candidate is elected to the Board, he or she must execute an Undeclared Candidate Statement if he or she did not submit a Notice of Intent prior to the election.

XVII. ELECTION DISPUTES

Any election dispute between a member and the Association shall be submitted to mandatory binding arbitration with the Division of Florida Condominiums, Timeshares and Mobile Homes pursuant to Section 720.306(9), Florida Statutes, as may be amended from time to time.

XVIII. WRITTEN CERTIFICATION RULE

Within 90 days after being elected or appointed to the board, each newly elected or appointed director shall certify in writing to the RWA that he or she has read the RWA Governing Documents.

XIX. OFFICIAL RECORDS

Sign-in sheets, ballots, envelopes and other papers relating to elections which have been used during the Annual Meeting must be kept by the Association for the period prescribed in Chapter 720, Florida Statutes, as amended from time to time, and may be destroyed by the Manager in his or her discretion after said time.

XX. ATTACHMENTS

The following documents are attached as sample Annual Meeting Notice Package forms:

1. Voting Certificate and Ballot Instructions
2. Voting Certificate
3. Ballot

The following additional sample forms are attached:

1. Notice of Intent to be a Candidate for the Board of Directors
2. Undeclared Candidate Statement

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VOTING CERTIFICATE AND BALLOT INSTRUCTIONS

COMPLETING THE VOTING CERTIFICATE

The enclosed Voting Certificate (GREEN) is provided for the purpose of establishing who is authorized to vote for a Lot/Tract. A Voting Certificate is not a proxy and may not be used as such.

If the Lot/Tract is owned by **more than one person**, including a husband and wife, or by a **corporation or other entity**, a Voting Certificate must be submitted each time Lot/Tract ownership changes. If the Lot/Tract is owned by **more than one person**, including a husband and wife, the Voting Certificate shall be signed by all of the record owners of the Lot/Tract. If the Lot/Tract is owned by a **corporation or other entity**, the Voting Certificate shall be signed by the president or vice president of the corporation or, with respect to non-corporate entities, the functional equivalent of the president or vice president.

A Voting Certificate is not needed if the Lot/Tract is owned by **only one person**. However, if the Lot/Tract is owned by only one person and that person wishes to designate a Voting Representative, a Voting Certificate signed by the owner must be submitted.

MARKING THE BALLOT

The enclosed Ballot (BLUE) includes a vote on the rollover of excess membership income over membership expenses and lists all candidates who are qualified to run for the Board. There will be ***two (2)*** Directors elected. Please indicate whether you are "in favor of" or "opposed to" rollover by placing an "X" next to the appropriate selection and vote for no more than ***two (2)*** candidates by marking the Ballot with an "X" on the box next to the candidate's name.

If you intend to attend the Annual Meeting, you may cast your Ballot at the meeting. Ballots will be available at the meeting or you may bring the enclosed Ballot with you.

If you intend to vote for Directors and do not attend the Annual Meeting, you must vote by use of the enclosed Ballot. **Instructions for returning the Ballot and Voting Certificate in advance of the Annual Meeting are set forth below.**

RETURNING THE VOTING CERTIFICATE AND BALLOT

1. The Ballot must be placed and sealed in the Ballot Envelope. If you are entitled to cast more than one Ballot, you must use separate Ballot Envelopes. **No markings shall be made on the outside of the Ballot Envelope(s).**

2. The Ballot Envelope and, if necessary, the Voting Certificate, must then be placed and sealed in the pre-addressed Outer Envelope, which is pre-marked with specific Lot/Tract information. It is your responsibility to notify the Association if the Lot/Tract information printed on the Outer Envelope is incorrect. The owner of the Lot/Tract or the Voting Representative designated on the Voting Certificate as the individual entitled to vote on behalf of the Lot/Tract owner must sign his or her name on the outer envelope. If you are entitled to cast more than one Ballot, you must still place each Ballot Envelope in the pre-addressed Outer Envelope marked with the corresponding Lot/Tract information. All Outer Envelopes may be placed in one large envelope (not provided) and addressed to Rotonda West Association, Inc., c/o Webb, Lorah & Company, PL, 1107 West Marion Ave., Suite 115, Punta Gorda, Florida 33950.

3. The Ballot and, if necessary, the Voting Certificate, must be received at the Association office located at 3754 Cape Haze Drive, Rotonda West, Florida 33947 or the office of Webb, Lorah & Company, PL, 1107 West Marion Ave., Suite 115, Punta Gorda, Florida 33950, before 5:00 PM on the day before the Annual Meeting.

VOTING CERTIFICATE

ROTONDA WEST ASSOCIATION, INC.

I/We, the undersigned owner(s) of the Lot/Tract located at _____ (street address) in ***Rotonda West***, do hereby designate _____ as my/our designee to cast votes on my/our behalf.

This document is filed with the Secretary in accordance with ***Article IV, Section 2*** of the 2002 Amended and Restated By-Laws of Rotonda West Association, Inc.

I/We understand that this document shall be valid until we decide to revoke it.

If a Lot/Tract is owned by more than one person, including a husband and wife, the person entitled to cast the vote for the Lot/Tract shall be designated by a certificate signed by all of the record owners of the Lot/Tract. If a Lot/Tract is owned by a corporation or other entity, the person entitled to vote for the Lot/Tract shall be designated by a certificate signed by the president or vice president of the corporation or, with respect to non-corporate entities, the functional equivalent of the president or vice president.

_____
Signature of Owner

_____
Signature of Owner

_____
Signature of Owner

_____
Signature of Owner

Dated this _____ day of _____, 20___.

NOTE: This form is <u>not a proxy</u> and should not be used as such.

ROTONDA WEST ASSOCIATION, INC.

ANNUAL MEETING

DECEMBER __, 20__

BALLOT

1. Vote on Rollover of excess membership income over membership expenses, if any, for the fiscal year ending ____, to offset the subsequent tax year member assessments as provided by IRS Revenue Ruling 70-604. (Board recommends voting "In Favor" of rollover.)

   _____ IN FAVOR OF ROLLOVER _____ OPPOSED TO ROLLOVER

2. We will be electing ***two (2)*** persons. The following have submitted their names into nomination. Vote for no more than ***two (2)*** candidates. **If you vote for more than *two (2)* candidates, your ballot will be invalid.**

   ☐ _____

   ☐ _____

   ☐ _____

   ☐ _____
   (Write in)

   ☐ _____
   (Write in)

ROTONDA WEST ASSOCIATION, INC.

NOTICE OF INTENT TO BE A CANDIDATE FOR THE BOARD OF DIRECTORS

I, _____, hereby place my name in nomination as a candidate for the Board of Directors of ***Rotonda West Association, Inc***.

I understand that I must submit a Candidate Statement that contains the information specified in the Rotonda West Association, Inc. Election Committee Rules, Procedures & Political Campaign Guidelines by 12:01 PM on the second Friday of August if I want to be able to participate in Candidates Night and have my name printed in the West Ways publication and placed on the pre-printed election ballot. I further understand that I am responsible for the accuracy of the information contained in the Candidate Statement.

I understand that, pursuant to Section 720.306(9)(b), Florida Statutes, I am not eligible for Board membership if I am delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days. I further understand that, pursuant to Section 720.306(9)(b), Florida Statutes, I am not eligible to serve on the Board of Directors if I have been convicted of any felony in this state or in a United States District or Territorial Court or any offense in another jurisdiction which would be considered a felony if committed in this state unless my civil rights will have been restored for at least 5 years as of the date of the Annual Meeting at which I seek election to the Board. By submitting this Notice of Intent, I attest that I will be eligible to serve on the Board of Directors as of the date of the Annual Meeting. I further consent to the Association conducting or having conducted a criminal investigation to verify compliance with Section 720.306(9)(b), Florida Statutes. I understand that every effort shall be made by the Association to maintain the confidentiality of the results of the criminal investigation. However, by signing this Notice of Intent, I hereby waive and hold the Association harmless from any claim, action or suit regarding the criminal investigation.

_____
Signature

_____
Print Name

Date: _____

ROTONDA WEST ASSOCIATION, INC.

UNDECLARED CANDIDATE STATEMENT

I understand that, pursuant to Section 720.306(9)(b), Florida Statutes, I am not eligible for Board membership if I am delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days. I further understand that, pursuant to Section 720.306(9)(b), Florida Statutes, I am not eligible to serve on the Board of Directors if I have been convicted of any felony in this state or in a United States District or Territorial Court or any offense in another jurisdiction which would be considered a felony if committed in this state unless my civil rights have been restored for at least 5 years as of the date of the Annual Meeting. By submitting this Statement, I attest that I am eligible to serve on the Board of Directors. I further consent to the Association conducting or having conducted a criminal investigation to verify compliance with Section 720.306(9)(b), Florida Statutes. I understand that every effort shall be made by the Association to maintain the confidentiality of the results of the criminal investigation. However, by signing this Statement, I hereby waive and hold the Association harmless from any claim, action or suit regarding the criminal investigation.

_____
Signature

_____
Print Name

Date: _____