



Park Village Homeowners Association, Inc.
Election Process and Guidelines
2024

1.0 Introduction..... 1
2.0 Background 1
3.0 Objective..... 1
4.0 What is an Election..... 1
5.0 Candidates 1
6.0 Term of Office..... 2
7.0 Election Preparation in Advance of Members Annual Meeting 3
8.0 Quorum..... 3
9.0 Proxies..... 4
10.0 Election Balloting 4
11.0 Election Process and Execution, Step-By-Step..... 5
Copyright Notice 7

This document provides the process for execution of elections for the 2024 Election of Directors to the Board of Directors for 3-year terms of service that begin upon election at the Members Annual Meeting, and conclude at the next election 3 years later.
Note: see exception at NCGS § 55A-8-05 (d)

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1.0 Introduction

The purpose of this document is to provide the election process for the 2024 election of members to the Board of Directors of the Park Village Homeowners Association, Inc.

A process of nominating candidates has been previously provided to the membership.

The culmination of the nomination process occurs upon submission of its final report, including a slate of candidates, to the members at the Member Annual Meeting scheduled for November of 2024. The election process begins upon delivery of that report.

As with the nomination process, it is the intent of this election process to ensure all Association Members have the opportunity of submitting a ballot for the election of Board of Directors.

This process provides conformance with applicable laws and requirements pertaining to elections, while providing clear documentation to be recorded and archived in the records of the association.

2.0 Background

Park Village Homeowners Association was incorporated and registered with the state of North Carolina in 1993. As such, the corporation (Park Village Homeowners Association, Inc.) pledged to abide by and adhere to all applicable laws and regulations of the state of North Carolina, as well as the Association's By-Laws. These governing documents provide a solid road map for the success of the association.

Election to the Board of Directors consists of an ordered process beginning with members considering getting involved with the community, taking an active role in the decision-making processes that affect multiple aspects of our community. A vibrant and successful community is led by a vibrant and successful Board of Directors.

3.0 Objective

Among the aforementioned reference to rules and regulations are Park Village Homeowners Association, Inc. By-Laws, Articles of Incorporation, and NC General Statute 55A. These are referenced and used in defining the election process.

In recognition of those, it is the intention of this election process to fairly apply all that are applicable and ensure all association members, who so choose, have a fair opportunity to cast their ballot in the election of candidate(s) to the Board of Directors.

4.0 What Is An Election?

Quite simply an election is the act or process of electing someone to fill an office or position.

5.0 Candidates

Candidates are nominated for a vacant position. The nomination process used in 2024 includes several ways of nominating candidates: submission of nomination to

the Nominating Committee, from the floor at the Members Annual Meeting, and self-nomination.

PVHOA By-Laws:

“Section 3. Nomination. Nomination for election to the Board of Directors may be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more Members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the Members, to serve from the close of such annual meeting until the close of the next annual meeting. The Nominating Committee may make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number vacancies that are to be filled. Such nominations may be made from among Members or non-Members.”

Park Village HOA By-Laws; Article V, Board of Directors; Section 3, Nominations

In addition to the two means of nominations from the By-Laws, the 2024 Nominating Committee has included self-nomination.

In any and all methods of nomination it is imperative that nominations be declared and qualified.

6.0 Term of Office

The duration of term(s) in office on the Board of Directors is three (3) years. The term(s) of office begins upon election at the Members Annual Meeting and concludes at the election(s) held three years later at the Members Annual Meeting.

PVHOA By-Laws:

“Section 2. Number, Term and Qualification. The number of directors of the Association shall be three (3). At the first annual meeting of the Association after which transition to homeowner control has taken place, the number of Directors may be increased to five (5). At this first annual meeting after transition, the Members may elect one director to serve for a term of one year, two directors to serve for a term of two years, and two directors to serve for a term of three years, should they elect to increase the number of directors to five (5). If the Members elect to Continue to maintain a board of three (3) Members, they shall elect a one, two and three year director. At subsequent annual meetings thereafter, the Members shall elect the number of directors needed to fill the vacancy or vacancies created by the director or directors whose term(s) is (are) expiring to serve for a term of three (3) years. Directors need not be Members of the Association.”

Park Village HOA By-Laws; Article V, Board of Directors; Section 2, Number, Term and Qualification

PVHOA Articles of Incorporation:

“...At each annual meeting thereafter, the members shall elect the number of directors needed to fill the vacancy or vacancies created by the director or directors whose terms is/are expiring to serve a term of three (3) years. The number of directors may be changed by amendment of the By-laws of the Association.”

Park Village Articles of Incorporation; Article VI, Board of Directors

North Carolina General Statute 55A

“(d) Despite the expiration of a director’s term, the director continues to serve until the director’s successor is elected, designated, or appointed and qualifies, or until there is a decrease in the number of directors. (1955, c. 1230; 1963, c. 192, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 801, ss. 19-21; 1993, c. 398, s. 1; 1995, c. 509, s. 28.)”

NCGS § 55A-8-05 (d). Terms of directors generally

7.0 Election Preparation in Advance of Members Annual Meeting

In advance of execution of the election, actual balloting, the following are to be accomplished.

Notice of meeting must be sent to all members not more than 50 days prior nor 10 days preceding the date and time of the meeting.

PVHOA By-Laws

“Section 4. Notice of Meetings. Except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws, written notice of each meeting of the Members shall be given to each Member entitled to vote thereat, such notice being given by or at the direction of the Secretary or other person authorized to call the meeting, by hand delivery or by mailing a copy of such notice, postage prepaid, not less than ten (10) days nor more than fifty (50) days before the date of the meeting, addressed to the Member’s address last appearing on the books of the Association or supplied by such Member to the Association for the purpose of notice. Such notice shall specify the place, day, and hour of the meeting, and, in case of a special meeting, the exact purpose of the meeting. Attendance by a Member at any meeting of Members shall be waiver of notice to him as to the time, place, and purpose thereof. Attendance at a meeting or a waiver of notice signed by one Owner in the event of multiple ownership of a dwelling unit or site shall be considered a waiver of notice as to the Owners of that dwelling unit or site.”

Park Village HOA By-Laws; Article IV, Meetings of members; Section 4, Notice of meetings

The notice must state the items to be addressed and voted upon at the meeting.

8.0 Quorum

A quorum is constituted with ten percent (10%) of the votes entitled to be cast on a matter [including elections] being represented at the meeting of members. A quorum for the Members Annual Meeting is 61, members and proxies.

PVHOA By-Laws

“Section 5. Quorum. Except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws, the presence at the meeting of Members or of proxies entitled to cast, ten percent (10%) of the votes appurtenant to each Class of Lots in combination (Class A and B.) shall constitute a quorum for any action. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or represented.”

Park Village HOA By-Laws; Article IV, Meetings of members; Section 5, Quorum

North Carolina General Statute 55A

“(d) Unless one-third or more of the votes entitled to be cast in the election of directors are represented in person or by proxy, the only matters that may be voted upon at an annual or regular meeting of members are those matters that are described in the meeting notice. (1955, c. 1230; 1993, c. 398, s. 1.)”

NCGS § 55A-7-22 (d). Quorum requirements.

9.0 Proxies

Proxies are valid at PVHOA Member Meetings. Proxies are included in the count determining quorum requirements. All proxies shall be validated upon presentation by the holder of each proxy upon registering at the Members Annual Meeting.

PVHOA By-Laws

“Section 6. Proxies. At all meetings of Members, each Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of this Lot.”

Park Village HOA By-Laws; Article IV, Meetings of members; Section 6, Proxies

North Carolina General Statute 55A

“(a) Unless the articles of incorporation or bylaws prohibit or limit proxy voting, a member may vote in person or by proxy. A member may appoint one or more proxies to vote or otherwise act for the member by signing an appointment form, either personally or by the member’s attorney-in-fact. ...”

NCGS § 55A-7-24 (a). Proxies.

10.0 Election Balloting

Directors shall be elected by secret written ballot at the Members Annual Meeting. Directors are elected by a plurality of the votes cast. Those candidates receiving the highest number of votes shall be declared the winner(s) of the election.

PVHOA By-Laws

“Section 4. Election. The directors shall be elected by secret written ballot at the annual meeting of the Members. In such election, the Members or their proxies may cast, with respect to each vacancy, as many votes as they are entitled under the provisions of Article III of these By-Laws. The persons receiving the highest number of votes shall be elected. Cumulative voting is not permitted.”

Park Village HOA By-Laws; Article V, Board of Directors; Section 4, Election

North Carolina General Statute 55A

“(a) Unless otherwise provided in the articles of incorporation, the bylaws, or an agreement valid under G.S. 55A-7-30, directors are elected by a plurality of the votes cast by the members entitled to vote in the election at a meeting at which a quorum is present. ...”

NCGS § 55A-7-25 (a). Voting for directors; cumulative voting.

11.0 Election Process and Execution, Step-By-Step

11.1 Members Register:

Members register at entrance to the Members Annual Meeting. Registration is validated and logged by the Secretary or appointed personnel.

Proxies are collected at time of member registration. These shall be qualified, recorded, and attributed to the member to whom the proxy or proxies have been granted.

Note: At distribution of ballots and in addition to each ballot a member receives, each attending member who has presented a proxy will be given an additional ballot for each such proxy.

11.2 Meeting Call-To-Order, and Quorum:

The meeting is called to order by the presiding officer. A quorum shall be established and recorded. If a quorum is not established, the meeting may be adjourned to a later time until a quorum is established. (see By-Laws A4, S5).

11.3 Meeting Agenda:

The meeting agenda is presented and recorded to all in attendance. The agenda shall accurately reflect the matters published in the meeting notice sent to all members.

11.4 Nominating Committee Report:

The Nominating Committee shall deliver its report. This report shall include a slate of candidates.

11.5 Additional Nominations:

The presiding officer opens the floor for nominations. If made, floor nomination(s) will be added to the slate of candidates.

11.6 Candidate Presentations:

Each candidate is give two minutes to present themselves to the members.

11.7 Final Call for Nominations:

The presiding officer again opens the floor for nominations. If made, floor nomination(s) will be added to the slate of candidates.

The presiding officer announces nominations are closed.

11.8 Ballots:

Ballots are printed and distributed to all members in attendance. Each member will receive one ballot. Each member who registered a proxy will be given an additional number of ballots equivalent to the number of proxies they have submitted.

11.9 Members Cast Ballots:

Members submit their ballots. This may be done with a ballot box at the meeting, or through collection by the Secretary or appointed personnel.

11.10 Balloting Closed:

Upon ample time for ballot submission and collection, the presiding officer announces all balloting is now closed.

11.11 Ballot Counting:

Ballots are to be counted by at least one member of the Board of Directors who is not seeking election, and at least two members not associated in any formal manner with the PVHOA other than being a member.

All members in attendance have the opportunity to also observe the ballot counting.

Ballot counting will be done openly in the clubhouse room that is adjacent to the general meeting room.

11.12 Announcement of Results:

The Secretary or appointed personnel will announce the results of the election.

The Secretary or appointed personnel will make such announcement not by reporting the number of votes each candidate received, but by stating the name(s) of the candidate(s) who received a plurality of votes that determine winning the election. (see § NCGS 55A-7-25 (a))

11.13 Ballot Archiving:

Ballots are to be archived in the Park Village Homeowners Association, Inc. records and stored for a minimum of three (3) years.

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