

Rotonda West Association, Inc.
Election Committee Rules, Procedures and Political Campaign Guidelines
Adopted March 11, 2021

The Rotonda West Association, Inc. ("RWA") is a volunteer organization managed by a seven-member Board of Directors ("Board"). The Directors share the legal and fiduciary responsibility of managing RWA funds to provide services for property owners as well as maintain 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 and Political Campaign Guidelines (the "Guidelines") holds an annual election for the Board. Two people are elected to the Board 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.

11. ROLES AND RESPONSIBILITIES

A. RWA Board

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

B. RWA Manager

The RWA Manager ("Manager") shall be responsible for providing a Candidate Information lockbox at the RWA office at 646 Rotonda Circle to receive the candidate's sealed envelope containing their Candidate Notice of Intent Form and their Candidate Information Sheet. The Election Committee will review the submitted Notices of Intent and Candidates Sheets, and preliminarily approved each candidate's qualifications to stand for election. The Manager will review each candidate documents to ensure 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) shall be responsible for assisting the RWA in mailing the Annual Meeting Notice Packages. The RWA Independent Auditor shall also be responsible for receiving, validating, counting and tabulating the secret ballots cast by mail and in person at the Annual Meeting. Once the Independent Auditor has certified the total of all votes cast, the Election Committee Chairman will announce the election results at the Annual Meeting.

D. Election Committee

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

1. Advertising for Board of Director candidates via the RWA website, the *West Ways* publication and any mass email application used by the RWA.
2. Coordinating the Election Documents with the Independent Auditor.
3. Verifying that the Candidate Information Sheets comply with these Guidelines.
4. Ensuring candidate names are placed on the ballot in alphabetical order by surname.
5. Facilitating Candidates Night.
6. Securing and training volunteers for the Annual Meeting voting tables, if needed.

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. RWA may conduct or have conducted a criminal investigation to verify this compliance with Section 720.306(9)(b), Florida Statutes.

An RWA member who submits their Notice of Intent Form and Candidate Information Sheet, both meeting the requirements set forth below, no later than 12:01 PM on the second Friday of August shall be considered a candidate.

A. Notice of Intent

Each candidate must submit a Notice of Intent form, a copy of which may be obtained from the RWA website or at the RWA Office. This completed Notice of Intent form shall be placed in the same sealed envelope as the completed Candidate Information Sheet and deposited in the Candidate Information lockbox located at the RWA office at 646 Rotonda Circle. A copy of this form is included as Attachment 1 to these Guidelines.

B. Candidate Information Sheet

Each candidate must submit a Candidate Information Sheet in both written and electronic form (word processing document on thumb drive preferred) which shall include the following information:

1. A brief personal summary about yourself including name, qualification for RWA Board, such as property address or other eligibility pursuant to the By-Laws, background, education, and work experience.
2. A list of community and RWA involvement.
Activities/Organizations shall be listed with dates of involvement.
3. A brief statement as to why you would like to serve as a member of the RWA Board and what you would like to see the RWA accomplish in the future.
4. A photo of the candidate. Only the candidate may appear in the photo submitted.

An example of a Candidate Information Sheet is included as Attachment 2 to these Guidelines. If a candidate needs technical assistance with the Candidate Information Sheet, prior to submission (not including content), they may contact the Election Committee Chairman. Any such interaction between a prospective candidate and the Election Committee Chairman will be considered confidential.

A candidate **must sign** their Candidate Information Sheet but cannot sign as an RWA Officer or Director even if they occupy such position at the time the statement is prepared. The use of business letterheads or advertising is not permissible.

A Candidate Information Sheet submitted in accordance with these Guidelines must be placed in a sealed envelope, along with the completed Notice of Intent Form, and deposited in the Candidate Information

lockbox located at the RWA Office at 646 Rotonda Circle no later than 12:01 PM on the second Friday of August, by either the candidate or his/her designee. Once a Candidate Information Sheet has been deposited in the Candidate Information lockbox, a candidate may request the Election Committee Chairman to return their sealed envelope so that the candidate may make changes to their Candidate Information Sheet. If the candidate's sealed envelope is returned to them at their request, the candidate must return that sealed envelope to the lockbox on or before the deadline for submission. The sealed envelopes containing the Notice of Intent and the Candidate Information Sheet will be opened and accepted by the Election Committee members at the RWA Election Committee meeting on the second Friday of August.

All candidates will be invited to attend the RWA Election Committee meeting on the second Friday of August to ensure that their Candidate Information Sheet complies with the Guidelines. If the candidate's Candidate Information Sheet is not in compliance, the candidate will have the opportunity at that time to bring their document into compliance. If a candidate's Candidate Information Sheet is not in compliance and the candidate is not in attendance at this meeting to bring their document into compliance, then the RWA Election Committee will recommend that the candidate be disqualified.

After the Election Committee has reviewed all Candidate Information Sheets for compliance with the Guidelines, it will determine which candidate(s) are qualified to stand for election and which candidate(s), if any, should be disqualified and forward those recommendations to the Board for their action. As mentioned previously, a candidate whose Candidate Information Sheet does not comply with the Guidelines and has not availed themselves of the opportunity to bring that document into compliance will be considered disqualified by the Election Committee. After the Election Committee's preliminary approval and prior to official Board approval, if a candidate is found to be delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days, that candidate will be rejected by the Board.

Following Board approval of the candidates, the Information Sheets shall be posted on the RWA official website and will be electronically and/or physically distributed to all RWA members.

DISCLAIMER: Candidate Information Sheets are based solely on the opinion or opinions of the individual candidate and are not based on an opinion or opinions of the RWA, its officers, directors, committee members, or employees. The RWA does not assume any liability or responsibility for the accuracy, completeness, or usefulness of the information contained in the Candidate Information Sheets.

IV. ELECTION DETERMINATION

Pursuant to Section 720.306(9)(a), if the election process allows candidates to be nominated in advance of the meeting, the RWA is not required to allow nominations at the Annual Meeting at which the election is to take place. Furthermore, pursuant to Section 720.306(9)(a), an election is not required unless more candidates are nominated than vacancies exist. Accordingly, in the event that there are only as many (or fewer) candidates qualified for election as there are open seats on the Board, no election shall be held and the qualified candidates shall automatically become members of the Board after the Annual Meeting for a term of three (3) years.

Regardless of whether an election must be held, the names of the qualified candidates will be publicized via the RWA *West Ways* Publication and the mass email application used by the RWA and their Candidate Information Sheets will be enclosed in the Annual Meeting Notice Package.

V. CANDIDATES NIGHT

If there are more candidates qualified for the election than there are open seats on the Board, an election will be held. A Candidates Night will be held prior to the Election. All qualified candidates will have an opportunity to participate in Candidates Night.

VI. POLITICAL SIGN GUIDELINES

For purposes of these Guidelines, a Political Sign is one solely pertaining to an RWA election (not local, state, or national elections) that contains the words "vote", "elect", and/or "re-elect" or states a position on ballot issues. If an election will be held, all qualified candidates may post Political Signs in advance of the election provided that the Political Signs conform to the Charlotte County Florida Code of Ordinances, Sec. 3-9-85.

- Signs, 1.1.11 D., the sign guidelines in Section 21 of the Rotonda West Deed Restrictions and the Rotonda West Signage Guidelines effective March 16, 2016. Copies of the Rotonda West Deed Restrictions and the Rotonda West Signage Guidelines are available on the RWA website.

VII. 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.

VIII. 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. 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.

IX. MEMBERSHIP LISTS

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

X. 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 either electronically if so requested or through standard mail.

The following documents shall be included with the Annual Meeting Notice (which shall collectively be referred to as the "Annual Meeting Notice Package"), with prominent notification of Annual Meeting Materials on the outside envelope to read: Ballots and Annual Meeting Materials Enclosed.

1. RWA President's Letter to Members or, if the President is a candidate in the election, a Letter to Members signed by another, non-candidate, Officer of the Board.
2. Candidate Information Sheets of qualified candidates

If an election will be held, the following documents shall also be included in the Annual Meeting Notice Package:

1. Instructions for completion of the Absentee Mail-In Ballot.
2. Secret Absentee Mail-In Ballot (one ballot for each Lot/Tract).
3. Ballot Envelope (one envelope for each Lot/Tract)
4. Pre-Addressed Outer Return Envelope (one envelope for each Lot/Tract).

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

XI. 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 RWA as required by Chapter 720, Florida Statutes, as amended from time to time.

XII. CASTING BALLOTS

If an election will be held, election voting shall be by secret ballot using mail-in ballots or by voting in person at the Annual Meeting, or electronically, by member's request once that option is made available by RWA. Proxy voting for candidates is not allowed at the Annual Meeting. Cumulative voting is not permitted. Ballots once submitted in person, by mail-in ballot, or once available, electronically, cannot be changed.

A. Absentee 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 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 RWA if the information printed on the outer envelope is incorrect. The Lot/Tract Owner must sign their name on the outer envelope.

If a Lot/Tract Owner is entitled to cast more than one ballot, they must still place each ballot envelope in the separate pre-addressed outer white envelope marked with the corresponding Lot/Tract information. All outer white envelope(s) may be placed in one large envelope addressed to Rotonda West Association, Inc., c/o Webb, Lorah & McMillan, PLLC, 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. There is no signature on the outer envelope or the signature on the outer envelope is not the name of the Lot/Tract Owner.
3. More than one ballot is placed in the ballot envelope.
4. More than one ballot envelope is placed in the pre-addressed outer envelope that is pre-marked with the Lot/Tract information.
5. The ballot is not received at the RWA or Independent Auditor office by 4:00 PM on the day before the Annual Meeting.
6. The Lot/Tract owner is found to be delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days.

With respect to those ballots received at the RWA office (646 Rotonda Circle) before 4:00 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 RWA to the Independent Auditor office for confirmation of eligibility. With respect to those ballots received at the Independent Auditor office before 4:00 PM on the day before the Annual Meeting and those received by the RWA before 4:00 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 the

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 RWA or Independent Auditor office after 4:00 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 absentee mail-in ballots are received at the RWA or Independent Auditor office after 4:00 PM on the day before the Annual Meeting may vote in person at the first part of the Annual Meeting. If a member is unsure if their absentee mail-in ballot was received before the 4:00 PM deadline, they may check with the Election Committee Chairman at the first part of the Annual Meeting.

Additionally, members who have not previously voted may vote in person at the Annual Meeting. In-person ballots will be provided for voting at the first part of the Annual Meeting.

Absentee Mail-In Ballots will not be accepted for verification and tabulation at the Annual Meeting.

Members voting at the Annual Meeting must produce picture identification and may not be delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days.

C. RWA Ballots for RWA-Owned Lots

Although it may be entitled to do so, the RWA will not cast votes at the RWA Annual Election based upon the number of lots owned by the RWA at that time.

XIII. COUNTING BALLOTS

The Independent Auditor shall count all absentee mail-in ballots prior to the Annual Meeting and in-person ballots at the Annual Meeting.

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 XVII below.

A difference of 20 votes or less in vote totals between candidates will mandate an automatic recount.

XIV. 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.

XV. REPORT OF RESULTS

In the event that there are only as many (or fewer) candidates qualified for election as there are open seats on the Board, no election shall be held, and the qualified candidates will be announced at the Annual Meeting and shall automatically become members of the Board after the Annual Meeting. If an election must be held, candidates receiving a plurality of the votes shall be elected. Once the Independent Auditor has certified the total of all votes cast, the Election Committee Chairman will announce the election results at the Annual Meeting. Pursuant to Section 720.306(9), Florida Statutes, any election dispute between a member and the RWA shall be submitted to mandatory binding arbitration with the Division of Florida Condominiums, Timeshares and Mobile Homes and any challenge to the election process must be commenced within sixty (60) days after the election results are announced.

XVI. OFFICIAL RECORDS

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

XVII. ATTACHMENTS

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

1. Notice of Intent to be a Candidate for the Board of Directors
2. Candidate Information Sheet Example
3. Voting Instructions
4. Absentee Ballot Mail-In Instructions
5. Absentee Mail-In Ballot Example

NOTICE OF INTENT

I hereby place my name in nomination as a candidate for the Board of Directors of Rotonda West Association, Inc. ("RWA").

I understand that I must submit a Candidate Information Sheet 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. 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.

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 RWA 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 RWA to maintain the confidentiality of the results of the criminal investigation. However, by signing this Notice of Intent, I hereby waive and hold the RWA harmless from any claim, action or suit regarding the criminal investigation.

Signature: _____

Print Name: _____

Date: _____

CANDIDATE INFORMATION SHEET EXAMPLE

Must include photo of candidate only

No letterhead

Name:

Email:

Phone:

BACKGROUND:

- I was born in? Lived in? Moved to Rotonda West in? Husband, wife, kids, etc.
- I belong to clubs
- My hobbies
- Serve(d) on neighborhood committees.
- In my life before Rotonda West I was and did?

EDUCATION:

- Schooling? Degrees? Certifications?

EXPERIENCE:

- RWA Committees?
- Community Activities
- Work
- Anything in your lifetime you would like to share?

SUMMARY:

Why I want to serve RWA, what I want to accomplish, and how I feel I can accomplish same.

Signature: _____

Date: _____

ATTENTION

REMINDER NOTICE

THE ENCLOSED VOTING INSTRUCTIONS MUST BE FOLLOWED, INCLUDING YOUR SIGNATURE ON THE WHITE OUTER ENVELOPE, OR YOUR VOTE WILL NOT BE COUNTED. YOU MAY ENCLOSE THE OUTER WHITE ENVELOPE WITH YOUR SIGNATURE ON IT IN ANOTHER ENVELOPE OF YOUR CHOOSING IF YOU DO NOT WANT YOUR SIGNATURE TO BE VISABLE. IF YOU DO NOT WISH TO SIGN THE ENVELOPE AND PARTICIPATE IN THE ABSENTEE VOTING PROCESS, YOU MAY COM IN PERSON AT THE ANNUAL MEETING (1:00-1:30P.M.) AND CAST YOUR BALLOT AT THAT TIME.

ABSENTEE MAIL IN BALLOT INSTRUCTIONS

If a Lot/Tract is owned by multiple individuals, such as a husband and wife, any record Owner may vote on behalf of the Lot/Tract. If a Lot/Tract is owned by a corporation, any officer may vote on behalf of said corporation. If a Lot/Tract is owned by a partnership, any general partner may vote on behalf of the partnership. If a Lot/Tract is owned in trust, any trustee of a trust shall be entitled to vote. If a Lot/Tract is owned by a limited liability company, any member or manager may vote on behalf of the limited liability company. Any person with apparent authority asserting the right to vote on behalf of a Lot/Tract owned by an artificial entity shall be conclusively presumed to be entitled to vote on behalf of said Lot/Tract, unless the Lot/Tract has filed voting instructions with the Rotonda West Association, Inc. designating some other person entitled to vote. If multiple Owners or non-individual Owners of a Lot/Tract cannot agree on a vote, the vote shall not be counted as to the issue upon which disagreement exists. Voting certificates are not necessary. No individual may cast a vote assigned to a Lot/Tract where the voting rights assigned to the Lot/Tract are suspended pursuant to the terms of the Governing Documents and/or Florida Law.

A. 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 vote for Directors and do not attend the Annual Meeting, you must vote by use of the enclosed Absentee Mail-In Ballot. Proxy voting is not allowed. Instructions for returning the Ballot in advance of the Annual Meeting are set forth below.

If you intend to attend the Annual Meeting to vote, the Absentee Mail-In Ballot will not be accepted for verification and tabulation at the Annual Meeting. Different Ballots for voting will be provided at the first part of the Annual Meeting.

B. RETURNING THE ABSENTEE MAIL-IN BALLOT

1. The Blue Ballot must be placed and sealed in the Blue Ballot Envelope. If you are entitled to cast more than one ballot, you must use separate Blue Ballot Envelopes. Placing more than one blue ballot in a single blue envelope will void all ballots therein. No markings shall be made on the outside of the Blue Ballot Envelope(s).
2. The Blue Ballot Envelope must then be placed and sealed in the pre- addressed white outer envelope, which is pre-marked with specific Lot/Tract information. If you are entitled to cast more than one ballot, you must still place each Blue Ballot Envelope in a separate pre-addressed. white outer envelope marked with the corresponding Lot/Tract information. Placing more than one blue ballot envelope in a single white outer envelope will void all ballots therein.
3. The owner of Lot/Tract must sign their name on the white outer envelope. Failure to do so will void the ballot.
4. All white outer envelope(s) may be placed in one large envelope (not provided) and addressed to the Rotonda West Association, c/o Webb Lorah & McMillan, PLLC, 1107 West Marion Ave., Suite 115, Punta Gorda, FL 33950.
5. The Blue Ballot must be received at the RWA office located at 646 Rotonda Circle, Florida 33947 or the office of Webb, Lorah & McMillan, PLLC 1107 West Marion Ave., Suite 115, Punta Gorda, Florida 33950, before 4:00 PM on the day before the Annual Meeting.