

**3 CHERRY WAY HOA  
VOTING AND ELECTION  
POLICY AND PROCEDURES**



**1.0 Purpose**

The purpose of this policy and procedure is to describe the 3 Cherry Way Homeowners Association voting process. The voting process covers all matters for which a vote of the 3 Cherry Way Homeowners Association Membership is required in accordance with 3 Cherry Way Homeowners Association governing documents.

**2.0 Revision History**

A: 2024 Revised for meeting time and length  
B: 2026 Revised to provide for mail in voting.

**3.0 Persons Affected**

This policy impacts all 3 Cherry Way Homeowners Association Members as described in Article 2 of the Association Bylaws, 2-1

**4.0 Policy**

The 3 Cherry Way Association voting and election policy establishes the procedure for a “Voting Member” of the Association to vote on topics presented to or required by North Carolina law and Association governing documents for Member vote. Voting is required to elect a Board of Directors, Architectural Control Committee, annual budget ratification, annual assessments, Bylaw amendments, and other areas as described in the 3 Cherry Way Declaration and the Association Bylaws.

**5.0 Definitions**

Refer to Association Governing Documents, Declaration and Bylaws, for definitions of terms used if not identified in this policy and procedure.

|                          |                                                                                                                                                                                                 |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Master Registration List | A roster of Owners, who are owners of a fee simple title, or a trustee of a trust titled to any Lot in the 3 Cherry Way community.                                                              |
| Ballot                   | A form or document used to cast a vote.                                                                                                                                                         |
| Secret Ballot            | A form or document used to cast a vote. The form or document does not contain identifying information of a voting member, such as the name or unit number of the individual casting the ballot. |
| Ballot Box               | A box in which a voter deposits their marked ballot.                                                                                                                                            |
| Election/Vote Inspector  | Member volunteers assigned by Board of Directors to help manage and oversee the election process.                                                                                               |
| Proxy                    | A named, authorized, 3CW Voting Member that is authorized to act for another 3CW Voting Member.                                                                                                 |
| Titled Owner             | Owner(s) or entity listed on the title of the lot.                                                                                                                                              |



## 6.0 Responsibilities

It is the responsibility of the Board of Directors or assignees to maintain the integrity of voting in the Association that is fair and unbiased.

## 7.0 Procedure

### 1. CALL FOR ELECTION OR OTHER VOTING MEETINGS

The call for general membership or special meeting to conduct the business of the Association, shall be in accordance with Article 3 of the Association Bylaws.

### 2. ELIGIBILITY TO VOTE AND BALLOTING

In accordance with Article 2 of the Association Bylaws, only one representative of the lot owner(s) of each lot shall be the Voting Member at any one time. Each lot shall receive one (1) vote. Multiple owners of the same lot shall designate the Voting Member during registration. The Voting Member may vote in person, by mail or by proxy. Any Member whose voting rights have been suspended shall also lose the right to have said signature(s) recognized for the purpose of a proxy. All proxy holders must be the identified Voting Member. A Proxy Notification Form (see Attachment A) must be submitted at least **ten (10)** days prior to the meeting at which the proxy vote will apply. Each Voting Member or their proxy may cast one (1) vote for each position vacancy or ballot issue. Cumulative voting, or casting multiple votes for one candidate, is not allowed.

### 3. GENERAL MEETING PACKAGE

The Board of Directors shall notice the May and November meeting time and date not less than thirty (30) nor more than sixty (60) days prior to the meeting. The Management Company or their designee will be responsible for mailing out the General Meeting Packages. The following information will be contained in each packet.

- General Membership Meeting Notice
- General Membership Meeting Agenda
- New Board of Directors Special Meeting (only included for May General Membership Meeting Notice)
- Proxy Notification Form
- Proxy Instruction and Flow Chart



4. BALLOT PACKAGE

The Management Company or their designee will be responsible for mailing out the Ballots. Ballots will be mailed out at a minimum of thirty (30) days prior to the General Meeting. The following information will be contained in each packet.

- Ballot
- Candidate Biographies
- Return Envelope addressed to Management Company
  - For a mail-in ballot to count, the envelope must list the owner's return address.
- Instructions on how a Voting Member must return his/her ballot.

5. OPTIONS FOR RETURNING MAIL IN BALLOTS

Ballots can be returned utilizing one (1) of the two (2) below methods.

- Method 1. Email the ballot to:  
- [Laura.Marx@superioram.net](mailto:Laura.Marx@superioram.net)
- Method 2: Mail the ballot in the supplied ballot envelope to the below address.  
Be sure to include your return address on the envelope.  
Superior Association Management Co.  
P. O. BOX 2427  
Huntersville, NC 28070  
Attn: Laura Marx

When the envelopes containing the completed ballots are returned, the Management Company will maintain them in a secure location for up to two (2) business days prior to the General Meeting. At that time, the Management Company will give the completed ballots to the Corresponding Secretary or designated BOD director in a secured envelope. The day of the General Meeting, the Corresponding Secretary or designated BOD director will give the envelope containing the completed ballots from the management company to the Candidate Committee (per Section 4-4 of Bylaws). These ballots cannot be reviewed by the BOD, the Candidate Committee or the Voting Inspectors until the day of the election and the Corresponding Secretary announces voting is closed .

Mail-in ballots are only valid if the number of votes received within the time period specified equals or exceeds the quorum required for in-person meetings to authorize the action.

Completed mail-in ballots must be received no later than 72 hours prior to the General Meeting in order to be valid.

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If a resident misses the email/mail-in ballot deadline, he/she may attend the General Meeting and request a ballot.

**6. REGISTRATION**

Registration Process for Mail-in Ballots

The management company is responsible for registering mail-in ballots using the following process:

- Validate the ballot has been filled out correctly (see Section 8 of this Policy and Procedure for criteria for disqualifying a ballot).
- Vet the resident to ensure he/she is in good standing with the HOA.
  - If the resident is not in good standing with the HOA, contact the Corresponding Secretary with this information.
  - The Corresponding Secretary with notify the resident he/she is not in good standing and provide a date this issue must be corrected by.
- Locate resident on Master Registration Listing using return address from ballot envelope. Place an "X" under the column "ANNOTATE AN X IF A MAIL-IN BALLOT" and then sign under column "SIGNATURE: SUPERIOR REPRESENTATIVE" to denote the resident has been vetted and is in good standing with the HOA.
- Place vetted ballot(s) into a return envelope(s), seal envelope(s) and sign signature across seal.

Registration Process for In-Person Voting

Registration begins at designated time. Member verbally presents name, address, or lot number of property. If applicable, Member presents proxy authorization of additional property(ies). Election/Vote Inspectors verifies Member's name on Master Registration List as the Voting Member of said Lot. Member presents photo ID, and Election/Vote Inspectors compares ID name to Master Registration List. Voting Member signs the Master Registration List and receives a ballot. If there is a conflict on a Voting Member the corresponding secretary shall be the deciding official of the Association. Election/Vote Inspectors will instruct Member not to place identifying marks on ballot (ex: name, address, lot number). Official ballots will include instructions for each vote in question. Meeting starts at designated time. Determination of quorum requirements are met (three (3) Board of Directors, twenty (20) Voting Members), voting begins. The budget may be ratified without a quorum. Member retains ballot throughout meeting marking ballot as instructed.

**7. REGISTRATION CLOSES**

Registration closes at the designated time. Two (2) Election/Vote Inspectors count remaining ballots and verifies that distributed number of ballots equals number of

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Voting Members and proxy signatures. Before announcement of close of voting, completed ballots shall be placed in the designated ballot box.

**8. ALTERNATE BALLOT**

A Voting Member or Proxy may exchange a ballot for an alternate ballot one (1) time. Voting Member or Proxy must turn in the original ballot to the Corresponding Secretary to receive a new ballot.

**9. COUNTING BALLOTS AND TABULATING VOTES**

Regardless if the election is being conducted entirely by mail, all ballots must be counted and tabulated by the Association's Candidate Committee/Voting Inspectors at the General Meeting. No person, member of the association, or employee of the association's management company may open or otherwise review any ballot prior to the time and place where the ballots are being counted and tabulated. The Voting Inspector(s) may verify the member's information and signature on the outer envelope prior to the meeting where the ballots will be counted.

No additional ballots will be accepted after the close of voting. All votes shall be counted and tabulated on official tabulation sheets by Election/Vote Inspectors. Only an Election/Vote Inspector may open the ballot box and tabulate the votes. Only ballots contained in the ballot box will be considered for tabulating the vote total. The Election/Vote Inspectors will convene to a private room or area. Both teams of Election/Vote Inspectors separately will; 1) Verify total ballots collected does not exceed total ballots distributed, 2) Vet each ballot for disqualified ballots or ballot issues, 3) Tabulate the votes.

The following are reasons for disqualifying a ballot or ballot issue (the ballot or ballot issue will not be counted in the total):

- a. Candidates selected exceed the number of open positions.
- b. Casting multiple votes for one (1) candidate (cumulative voting is not allowed).
- c. The ballot is not an Official Ballot.
- d. The ballot or ballot issue is unreadable.
- e. Ballot issue has "YES" and "NO" marked for same issue.
- f. Ballot issue is not clear to which response is marked.

Disqualifying a ballot or ballot issue must be approved and initialed by the corresponding secretary.

In the case of a tie vote between two or more candidates for a single open position, or ballot issue, the Association will conduct a coin toss to determine the winner.



#### 10. RESULTS OF THE ELECTION

The vote results require a unanimous decision by the Candidate Committee and the Election/Vote inspectors. All Candidate Committee and Election/Vote Inspectors shall sign the official tabulation sheet vote results. The tabulated results of the election shall be documented on official tabulation sheets and reported by the Board of Directors at the meeting.

If for any reason the tabulated result is delayed and cannot be reported at the meeting, the Board of Directors shall publicize the tallied results of the vote in an electronic communication (email) to all Association Members within two (2) business days following the adjournment of the meeting. The results of the vote shall be recorded in the minutes of the next meeting of the Board of Directors.

#### 11. CHALLENGE

A Voting Member or their proxy may challenge the vote at the duly held meeting. Voting Members may not challenge a vote if the meeting is adjourned. Voting Member or their proxy shall notify an individual on the Candidate Committee or an Election/Vote Inspector by submitting a completed "Vote Challenge" form (see Attachment B). A "Vote Challenge" form will be available at the duly held meeting.

The Election/Vote Inspector, after completion of tabulating the vote, will review each submitted Vote Challenge form and provide a response during the meeting. If more time is needed, a response will be provided to the Voting Member or their proxy within a reasonable timeframe following the adjournment of the meeting.

#### 12. CUSTODY OF BALLOTS / RECORDS STORAGE

After tabulation and for a period of three (3) years, election ballots shall be stored as directed by the Board of Directors and in accordance with Article 10 of the Association Bylaws. Unless otherwise specified by the Board of Directors, the location for the storage of the paper or scanned ballots will be in a secure location identified by the Board of Directors. The Master Registration List shall follow the same record retention schedule. After three (3) years, the Board of Directors may destroy ballots and Master Registration List by having all ballots and Master Registration List shredded. Election tallies shall be retained permanently.

#### 13. APPLICATION PROCEDURES FOR CANDIDATE OPEN ELECTED POSITIONS

The Association Member Candidate shall provide a "Board/Committee Interest Application Form" delivered by hand, mailing (8886 Sweet Cherry Ln, Denver, NC 28037), or by electronic means ([3cwhoa@gmail.com](mailto:3cwhoa@gmail.com)) to the Board of Directors or Candidate Committee Member, no later than the thirty-first (31) day of March each year.

- a. Candidates for the Board of Directors must be a Member of the Association, eligible to vote, and meet the following criteria:

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- i. Must be a titled owner of a home within the Association.
  - ii. Have not been late on or in arrears of any type of assessments within the last thirty (30) days.
  - iii. Have not had more than two (2) uncorrected or active violations of the Association governing documents within the last twelve (12) months.
  - iv. Have no unpaid assessments, or fines/fees for violations of Association governing documents.
  - v. Must be able to fulfill the term/monthly time commitment of a board member.
- b. Candidates for the Architectural Control Committee must be a Member of the Association, eligible to vote, and meet the following criteria:
  - i. Must be a titled owner of a home within the Association.
  - ii. Have not been late on, or in arrears of, any type of assessments within the last thirty (30) days.
  - iii. Have not had more than two (2) uncorrected or active violations of the Association governing documents within the last twelve (12) months.
  - iv. Have no unpaid assessments, or fines/fees for violations of Association governing documents.
  - v. Must be able to fulfill the term/monthly time commitment of an Architectural Control Committee member.

**14. RIGHTS TO ADDRESS MEMBERSHIP**

All candidates will have the opportunity to address the Membership pursuant to the terms stated in Article 4 of the Association Bylaws, 4-3. Candidates will be limited to 3 minutes to address the Association.

**ATTACHMENT A  
PROXY NOTIFICATION FORM**



I (we) \_\_\_\_\_, owner(s) of \_\_\_\_\_  
(Name of 3CW Property Owners) (3CW Property Address)

And a Member in good standing of the 3CW Homeowners Association, do hereby constitute and appoint:

\_\_\_\_\_, who is another 3CW HOA Member in good standing,  
(Name of 3CW HOA Member Proxy)

to serve as my (our) proxy holder with full power of substitution, and to serve as my (our) lawful representative pursuant to the 3CW HOA Bylaws, at the \_\_\_\_\_  
(Name of Association Meeting or equivalent)

to be held on \_\_\_\_\_ at \_\_\_\_\_  
(Date) (Location)

and at all adjournments thereof. I (we) authorize the proxy holder named above for the transaction of all 3CW HOA business that may come before said meeting, according to the number of votes to which I (we) am entitled, and to act on my (our) behalf to the extent that I would be personally present.

This proxy shall be rendered null and void: **1)** five (5) months after date of execution; OR **2)** if I (we) present myself (ourselves) in person and sign the meeting registration roster for this or any reconvened meetings for which this proxy is intended; OR **3)** This proxy is revoked, in writing, in accordance with Article 2 of the Association Bylaws, 2-5.

IN WITNESS WHEREOF, the undersigned has (have) executed this document, and presents to the 3CW HOA representative agent for verification this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(Day) (Month) (Year)

Proxy requests must be received a minimum of ten (10) days prior to any scheduled meeting of the 3CW HOA.

ALL PROPERTY OWNERS OF RECORD MUST SIGN. PRINT YOUR NAME EXACTLY AS IT APPEARS ON YOUR OWNERSHIP DOCUMENTS.

Phone#:

\_\_\_\_\_  
(Owner's Printed Name)

\_\_\_\_\_  
(Owner's Signature)

Phone#:

\_\_\_\_\_  
(Owner's Printed Name)

\_\_\_\_\_  
(Owner's Signature)

Verification of Proxy Assigner / Assignee as 3CW Homeowners Association Members in good standing:

\_\_\_\_\_  
(Signature and Title of 3CW HOA Officer)

\_\_\_\_\_  
(Date)

**ATTACHMENT B**  
**VOTING ACTIVITIES CHALLENGE FORM**



I, \_\_\_\_\_ a registered Voting Member of the 3 Cherry Way Homeowners Association, Inc., residing at \_\_\_\_\_. I am challenging the voting activities of the Association taking place on \_\_\_\_\_.

I challenge the voting activities for the reason(s) checked below:

☐ Quorum not present.

☐ Tallying of votes done in an improper manner. Explanation required:

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☐ Improper use of proxies. Explanation required.

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☐ Other. Explanation required.

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DATED \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of Lot Owner

Print Name:

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Address:

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Phone #:

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