

Election Rules

Fairlington Villages Unit Owners Association (FVUOA)

1. Establishing Dates of Elections:

(a) Annual Meeting:

At the December or in a prior regularly scheduled Board of Directors meeting preceding the Association's annual meeting, a majority of the Board of Directors will:

(1) Establish the date, time, and place of any election to be conducted at an annual meeting of FVUOA; and

(2) Establish an opening and closing date, time, and place at which potential candidates will file a Candidacy Petition and may file a Candidate Statement. For elections conducted at FVOUA annual meetings, the closing date will be between forty-five (45) and sixty (60) calendar days before the date established for the election.

(b) Interim Elections - Vacancy Caused by Unit Owner Majority Vote:

At a regularly scheduled meeting of the Board of Directors, a majority of the Board of Directors will:

(1) Establish the date, time, and place of any interim election to be held in the event a vacancy occurs on the Board as a result of a majority vote of unit owners; and

(2) Establish an opening and closing date, time and place at which potential candidates for election will file a Candidacy Petition and may file a Candidate Statement. For interim elections, the closing date will be between thirty (30) and forty-five (45) calendar days before the date set for the election.

2. Election Management - Non-Partisan Election Administrator

(a) Administrative management of elections will be performed by a non-partisan election administrator approved by the Board; and

(b) The non-partisan election administrator's responsibilities will not include counting paper election ballots, a duty that will be performed by the Association's electronic voting contractor.

3. Candidacy Petitions and Candidate Statements

(a) Eligibility Requirements:

(1) Ward Director: Any person who is eligible for election as director of that ward under the provisions of Article III of the by-laws of Fairlington Villages, a condominium, may stand for election as a candidate for Ward Director;

(2) At-Large Director: Any person who is eligible for election as an at-large director under the provisions of Article III of the by-laws of Fairlington Villages, a condominium, may stand for election as a candidate for At-Large Director; and

(3) Candidates may only run for one Board position and must determine which position they are running for (i.e., Ward Director or At-Large Director) before filing a Candidacy Petition.

(b) Each unit owner seeking to become a candidate in an election will file a Candidacy Petition and may file a Candidate Statement, at the time, place and dates established by the FVUOA Board of Directors.

(1) The Secretary will ensure that information on the time, place, dates, and requirements for filing Candidacy Petitions and Candidate Statements is published in the Association newsletter and on the Fairlington Villages website at least thirty (30) days before the filing deadlines. In order to ensure equality and impartiality for all potential candidates, the names of incumbent Board members will not be mentioned in these newsletter or website announcements; and

(2) Potential candidates are responsible for ascertaining the dates, time, and place established for filing Candidacy Petitions and Candidate Statements. The Secretary working through Management will provide each potential candidate with a checklist enumerating the items that must be included in the Candidacy Petitions and Candidate Statements, including submission deadlines.

(c) The Candidacy Petitions required under Paragraph 3(b) must be obtained from the Management Office and will be submitted using a form that will include:

(1) the potential candidate's name;

(2) the potential candidate's unit address;

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(3) the potential candidate's residential address (if different from the unit address). If a candidate has security or privacy concerns, only the city and state but not the street address are required;

(4) the name of the director position to which the potential candidate is seeking election;
and

(5) the names, signatures, and unit addresses of at least twenty-five (25) FVUOA unit owners from any ward. Every unit will be permitted one signature per Petition. The Petition may contain multiple sheets. The Petition must be date and time stamped and signed by an authorized person when submitted. Electronic submissions will not be accepted.

(d) The Candidate Statement permitted under Paragraph 3(b) shall:

(1) include the potential candidate's name;

(2) include the potential candidate's unit address;

(3) include the potential candidate's residential address (if different from the unit address). If a candidate has security or privacy concerns, only the city and state but not the street address are required;

(4) the name of the director position to which the potential candidate is seeking election;

(5) not exceed two (2) eight and one-half inch by eleven-inch sheets of paper and be typewritten or, if not typewritten, be legible in the judgment of the non-partisan election administrator; and

(6) be filed no later than seven (7) calendar days after the deadline for filing Candidacy Petitions.

(e) In order to ensure equality and fairness to all candidates, candidate statements will not be released by the Secretary or Fairlington Villages office staff prior to the official mailing to all unit owners provided for in Paragraph 5 (a-b).

4. Eligibility of Candidates:

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(a) The Secretary or the Secretary's designated representative:

(1) Using all available sources of information, will review all Candidacy Petitions to determine whether they comply with the provisions of Paragraph 3(c) to determine the eligibility of candidates. Candidates must be deeded Fairlington Villages Unit Owners as documented in Arlington County or City of Alexandria property records, or must be able to document an alternative beneficial or legal ownership interest in a Fairlington Villages unit (e.g., through a trust for which they are a trustee). In the case of candidates for Ward Director, they must be deeded Unit Owners or have a beneficial or legal ownership interest in a Fairlington Villages unit in the Wards for which they are candidates. The ownership status of all signatories on candidate petitions will be verified using these same standards; and

(2) Failure to comply with the provisions of Paragraph 3(c) will cause a potential candidate to be ruled ineligible for election. However, the Secretary or FVUOA Management may make minor scrivener's changes to correct minor administrative errors in the candidate name and address information included in Candidate Petitions and Candidate Statements.

(b) The Secretary will refer individual determinations of eligibility to the Board of Directors for each candidate no later than five (5) calendar days following submission of each candidate's Candidacy Petition.

(c) If the Secretary rules a potential candidate to be ineligible for election and if a majority of the Board of Directors present and voting concurs with this ruling, the Board will notify the potential candidate of this ruling in writing, including the basis for the ruling, and of the potential candidate's right to challenge the ruling of the Board.

(d) If a potential candidate is ruled ineligible by the Board and elects to challenge that ruling:

(1) the challenge will be made in writing;

(2) the challenge will be filed at the FVUOA Management office not later than twenty-four hours after the date of delivery of the notice provided for in Paragraph 4(c);

(3) the President of the Board will notify all members of the Board of the challenge and the President will schedule a special Board meeting to consider the challenge;

(4) the special meeting will be held within eight (8) days after the filing of the challenge and the challenger will be notified of the time, date, and place of the meeting;

(5) during the special meeting the Secretary will read the Board's notice stating the basis(es) on which the ruling of ineligibility was made;

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(6) following the reading of the notice, the potential candidate and a representative of the potential candidate's choosing will have not more than ten (10) minutes to speak to the Board on the issue of the eligibility ruling;

(7) the Board may question the potential candidate; and

(8) following the presentations and any questioning, the Board will vote on the issue of potential candidate's eligibility as a candidate in the election, with this vote occurring during the meeting at which the challenge has been heard and the decision, by a majority the Board present and voting, being considered final.

5. Annual Meeting and Election Notice

(a) A minimum of thirty (30) calendar days prior to the date of any FVUOA election, including an interim election, the Secretary will ensure an Annual Meeting and Election Notice is mailed to all unit owners.

(b) The Annual Meeting and Election Notice, which will be prepared by the Secretary or the Secretary's designated representative(s) with the assistance of the non-partisan election administrator, will include and be limited to:

(1) Notification of the date, time, place and purpose of the election;

(2) one copy of the election ballot, appropriate for the unit owner receiving the information;

(3) a sample of a properly completed ballot. A copy of this sample ballot can also be printed in the newsletter with links to the Fairlington Villages website and TownSquare;

(4) one copy of the Candidate Statement submitted by each unit owner seeking election to a Director position listed on the election ballot in accordance with the requirements of Paragraph 3(b) if the Candidate Statement has been submitted in accordance with the provisions of Paragraph 3(d). If a Candidate chooses not to submit a Candidate Statement it will be noted in the election materials;

(5) a notice that unit owners have the option to cast their vote electronically and are strongly encouraged to do so;

(6) a notice that any paper ballot will be ruled invalid if it is undated or does not contain the printed name and signature of at least one unit owner and the full unit address, which is

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defined as the street number and name, apartment number (where appropriate), city, state, and zip code;

(7) a notice stating that no copies of paper election ballots will be allowed and that if a Unit Owner loses a ballot, it must be replaced by an official ballot provided by the non-partisan election administrator or the administrator's designated representative. If an owner chooses to vote electronically and has lost their credentials the office staff will assist the unit owner with contact information for the online balloting vendor;

(8) a notice stating that no electronic or paper ballot may be changed after being submitted;

(9) a notice stating that all paper ballots must be mailed to the electronic voting contractor's office and must be postmarked no later ten (10) calendar days prior to the date of the annual meeting or election in order for the paper ballot to be counted, and that after this date a unit owner must vote electronically. Owners will have the opportunity to vote electronically at the management office or vote electronically at the time of the annual meeting or election; and

(10) and a notice that any unit owner may inspect a copy of any election ballot, with the section containing the name(s) of the candidate (s) for whom the user of the election ballot, voted blocked out, after the challenge procedures provided for in Paragraph 9 have been completed.

6. Format of Election Ballot Forms

(a) All election ballot forms provided to unit owners in an official mailing shall comply with these Election Rules and with the laws of the Commonwealth of Virginia governing such elections.

(b) Paper election ballot forms will contain:

(1) the names of all the candidates seeking election to Board the who have filed Candidacy Petitions in accordance with the provisions of Paragraph 3(c) and been deemed eligible under the provisions of Paragraph 4:

(A) Candidates' names will be separately grouped by Board position for which they are candidates; and

(B) and the order in which they appear will be determined by lot, with the non-partisan election administrator drawing the lots in the presence of any unit owner who wishes to observe the drawing after obtaining information on the time, date, and place of the drawing from the administrator.

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(2) at the end of each separate listing of candidates for director, a blank line on which a unit owner may vote for a person not listed on the election ballot as a candidate;

(3) a notice stating that the Association Secretary is directed to vote the election ballot as it has been marked by the unit owner(s) executing the election ballot;

(4) in each section of the election ballot requiring a unit owner's signature, notices stating that:

(A) the unit owners' "full address" must be included and will be defined as the unit owners' names, and unit address, including street name and number, apartment number (where appropriate), and the city, state, and zip code;

(B) one unit owner must sign and date the ballot. This unit owner's signature will bind all owners of the unit; and

(C) any election ballot showing a change in the candidate(s) for whom the election ballot is to be voted must also contain the initials of all unit owners' next to all changes made, or the election ballot, shall not be considered valid.

(5) a space for unit owners to indicate that the Secretary is to vote the ballot in accordance with the position of the majority of the Board of Directors on issues before the Association, other than election of Directors of the Association;

(6) a space for unit owners to instruct that the ballot is not to be exercised in matters other than determining a quorum for the meeting of the Association;

(7) a notice stating that all paper ballots must be mailed to the electronic voting contractor's office and must be postmarked no later than ten (10) calendar days prior to the date of the annual meeting or election in order for the paper ballot to be counted, and that after this date a unit owner must vote electronically. Owners will have the opportunity to vote electronically at the management office or vote electronically at the time of the annual meeting or election;

(8) and a notice stating that unit owners' failure to comply with the provisions of Paragraphs 6(b)(4)(A), (B), and (C) will cause an election ballot to be ruled invalid for purposes of voting in the election;

(9) A unique user name and passcode with the identifying information of the unit owner.

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(c) To assist in ensuring the correct tallying of votes, the non-partisan election administrator will:

(1) have ballots for each Ward Director position printed on different colors of paper, with these ballots also including the listing of candidates for At-Large Director in any election for which unit owners will vote for At-Large Director; and

(2) have ballots for all other wards in which votes will be cast for At-Large Director(s) but not for a ward director printed on white paper or paper of a single color different from the colors used for ballots for Ward Director.

(d) Electronic Voting:

(1) Unit owners will have the option to cast their vote electronically;

(2) The Board of Directors will select, or direct implementation of, an electronic voting system that provides secure access, confirmation of ballot authorization by unit owner(s), guarantees that each unit can vote only one (1) time, has the ability to date the ballot submission, and fulfills all other requirements of these Election Rules and the relevant provisions of the Virginia Condominium Act; and

(3) Such an electronic voting system will not be used in an Association election until the actual operation of such system is approved by a majority of the Board then voting.

7. Conduct of Election Campaigns:

(a) In order to ensure equality and fairness to all candidates, candidate statements will not be released by the Secretary or Fairlington Villages office staff prior to the official mailing to all unit owners provided for in Paragraph 5.

(b) The Fairlington Villages sign policy is waived for candidates wishing to post signs for a candidate event for up to 24 hours. Candidates may also hand distribute flyers but the flyers may not be left unattended upon the common elements or posted in multi-unit buildings.

(c) In order to provide candidates with maximum equal opportunity to make their positions known, each candidate will be provided with a digital presence linked to the Fairlington Villages website and access to the TownSq forum. Abbreviated, one-half page versions of Candidate Statements prepared by candidates will also be published in the March newsletter.

(d) Following the mailing of the Annual Meeting and Election Notice, election ballots, and Candidate Statements, a minimum of one Candidate Forum will be held at the Association

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Community Center to provide candidates with an equal opportunity to present their platforms and answer questions from Fairlington Villages unit owners.

(e) Candidates may hold additional campaign events in common areas.

(f) Candidates are encouraged not to campaign or reference their candidacies at meetings of Fairlington Villages committees, working groups, task forces, and commissions; nor at meetings of Fairlington Villages-sponsored activities such as the Book Club.

(g) Candidates may have access to current and former Directors' Candidate Statements for reference purposes during election campaigns.

(h) Management and staff are neutral during the election process, but will be allowed to publish and disseminate all information needed to safely and efficiently manage the Association.

8. Conduct of an Election - Electronic Voting Contractor Manual Entry/Counting of All Paper Ballots

(a) All paper election ballots will be mailed to the contractor's address and must be postmarked no later than ten (10) calendar days prior to the date of the annual meeting or election in order for the paper ballot to be counted.

(b) Prior to the time of an Annual Meeting or interim election, the electronic voting contractor will:

(1) Record the date that each paper ballot is received on a ballot inventory. If required, the inventory will serve as the basis for auditing the accuracy of the voting contractor's manual vote count;

(2) Review each paper ballot received for completeness, including ensuring that the "Signature" section includes the unit owner's full address, signature of one unit owner, and the date the ballot was completed. If a ballot's "Signature" section is incomplete, the ballot will be disqualified and this disqualification will be noted on the ballot inventory;

(3) Record the vote of each complete ballot in its electronic voting system and annotate the date the vote was recorded on the ballot inventory;

(4) Provide unit owners with electronic reminders to vote;

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(5) Place all voted and disqualified ballots in an envelope or box together with a copy of the ballot inventory that includes the total number of ballots received, the number of recorded ballots, and the number of disqualified ballots tallied by category causing disqualification; seal the envelope or box; and maintain a separate copy of the annotated inventory for its files; and

(6) Provide the Secretary, the non-partisan election administrator, and/or Management with voting results of electronic and valid paper voting two hours prior to time of the Annual Meeting or interim election. These results will include the number of any disqualified paper ballots tallied by the category causing disqualification. The Secretary, administrator, and/or Management will not disclose these results to anyone prior to their being announced during the meeting.

(c) During the Annual Meeting or interim election meeting, the Secretary or non-partisan election administrator will:

(1) Provide any unit owners who have not previously voted electronically or submitted a paper ballot, the opportunity to cast an electronic vote; and

(2) Announce the final election results, which will include the voting results reported by the electronic voting contractor and any electronic votes cast during the Annual Meeting or interim election meeting. These results will include the number of any disqualified paper ballots tallied by the category causing disqualification.

(d) Following an Annual Meeting or interim election, the electronic voting contractor will:

(1) Transmit the sealed envelope or box containing the recorded ballots and annotated ballot inventory together with a letter listing the materials to the Fairlington Villages Management Office via overnight FedEx or UPS courier delivery; and

(2) Retain a copy of the annotated ballot inventory and the letter listing the materials being returned to Fairlington Villages for the company's files.

(e) Upon receipt of the courier package from the electronic voting contractor, it will be opened in the presence of the non-partisan election administrator, who will inventory and verify its contents.

(f) The sealed envelope or box containing the ballots and ballot inventory will be maintained in a secure place by the non-partisan election administrator and Fairlington Villages staff for the time periods required to comply with provisions of Paragraphs 9 and 10 of these Election Rules.

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(g) If a sealed and secured envelope or box is opened in connection with conduct of the election or processing of any election challenge:

(1) The opening will occur in the presence of the non-partisan election administrator;

(2) There will be a notation made on each page of the ballot inventory containing the date it was reviewed, the reason for the review, and the signatures of the non-partisan election administrator;

(3) The ballot inventory will be resealed together with the ballots in the envelope or box, which will then be dated and signed by the non-partisan election administrator; and

(4) The sealed envelope or box will be maintained in an appropriate secure place by the non-partisan election administrator and the Fairlington Villages staff.

9. Certification of Election Results

(a) The results of an election shall be certified in writing to the FVUOA Board at the April board meeting immediately following the date of the election; with this board meeting occurring no later than the seventh (7th) day of April:

(1) Certification will be made separately for each Director position, and the certification will be prepared and signed by the non-partisan election administrator;

(2) If the non-partisan election administrator refuses to certify the election results, the administrator will notify the Board in writing no more than seven (7) days after the date of the election, giving specific reasons for this decision; and

(3) If the circumstances described in Paragraph 9(a)(2) occur, the Board will determine whether it will certify the election results or will call a new election.

(b) In the case of an Annual Election, as defined by the Association by-laws, a unit owner who has been certified as having been elected, or re-elected, to be a director will be seated, subject to the resolution of any challenge, on the Board immediately after the certification is presented to the Board as provided in Paragraphs 9(a)(1), (2), and (3).

(c) In the case of an interim election, any unit owner who has been certified as having been the choice of the majority of unit owners voting in an interim election shall be seated, subject to the resolution of any challenge, on the Board immediately after the certification is presented to the Board as provided in Paragraphs 9(a)(1), (2), and (3).

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(d) An incumbent Director whose re-election was certified and who was seated under the provisions of Paragraphs 9(a) and (b) or a unit owner whose election was certified who was seated under the provisions of these paragraphs, but whose election is being challenged under the provisions of Paragraph 10, will not vote on decisions of the Board relating to the portion of the election challenged, but may vote on any other issues before the board.

(e) Any unit owner has been seated on the Board of Directors as provided in Paragraph 9(b) but whose election is subject to a challenge that results in a decision that the unit owner was actually not elected to the Board, shall immediately relinquish the Director's position to the unit owner who was found to have been elected to the position.

(f) Any unit owner who has been seated on the Board of directors as provided in Paragraph 9(c) but whose selection by a majority of the unit owners voting in the interim election is subject to a challenge which results in a decision that the unit owner was not actually the recipient of the majority of unit owner votes, shall immediately relinquish the Director's position to the unit owner who was found to have been elected to the position.

10. Challenges to Elections

(a) In addition to any laws of the Commonwealth of Virginia governing challenges to FVUOA elections for the Board of Directors, the following rules shall apply:

(1) A candidate filing a challenge to an election may challenge only the portion of the election in which the candidate was a candidate;

(2) A challenge to an election must be filed in writing at the FVUOA Management Office not later than 5 p.m. seven (7) calendar days after the day on which the election was certified as provided for in Paragraph 8;

(3) A challenge to an election must include a specific listing of the grounds for the challenge, the election documents covered by the challenge, and the action being requested;

(4) A single challenge to an election may include, but will not be limited to, any or all the following:

(A) a request to review of, or a request for copies of, the registers for the portion of the election being challenged;

(B) a request for copies of any ballots ruled invalid;

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(C) a request for recount of the election;

(D) a request that the Board review and act on decisions of the non-partisan election administrator regarding the election; and,

(5) Failure to include any items allowed under Paragraph 10(a)(4) in a written challenge will not constitute grounds for an extension of time in which to file a challenge, for amending a challenge, or for the filing of an additional challenge.

(b) In event of a challenge by a candidate under the provisions of Paragraphs 10(a)(4)(A), (B), and/or (C):

(1) the non-partisan election administrator will notify each member of the Board of the challenge(s) within four (4) days and provide copies of each challenge to each Board member;

(2) the non-partisan election administrator will review and make decisions on all issues raised in the challenge within fourteen (14) days of the last day on which a challenge may be filed:

(A) A candidate challenging any portion of the election may be present and may be accompanied by one representative during the non-partisan election administrator's deliberations on that challenge;

(B) In order to assure that the non-partisan election administrator complies with the provisions of Paragraph 10(b)(2) the candidate may designate a unit owner and one other representative to substitute for him or her during the administrator's deliberations;

(C) If a candidate exercises the right to request copies of election documents under the provisions of Paragraphs 10(A)(4)(A) and/or (B), the non-partisan election administrator will provide copies that do not reveal the names of the candidates for whom the unit owner executing the ballot, voted or would have voted;

(D) The Board will establish a fee for materials copied and provided under the provisions of Paragraphs 10(A)(4)(A) and/or (B), with the fee deemed by the Board to be sufficient to reimburse all costs associated with the production of said copies; and

(E) All relevant documents will be unsealed, resealed and re-secured in accordance with the provisions of Paragraph 8(g).

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(3) The non-partisan election administrator will notify the person filing the challenge and each member of the FVUOA Board of the decisions of the administrator's decisions in writing within four days after the review is completed.

(c) In event of a challenge by a candidate under the provisions of Paragraph 10(a)(4)(D) the Board will meet within twenty-one (21) days of the last day on which a challenge may be filed, review and make decisions on all issues raised during the challenge, notify the person filing the challenge and the non-partisan election administrator of the Board's decisions in writing within four days after the review is completed, and unseal, reseal and re-secure any documents reviewed in accordance with the provisions of Section 8(g).

11. General Provisions

(a) These Election Rules supersede any and all such rules previously adopted by a Board of Directors of Fairlington Villages Unit Owners Association.

(b) These Elections Rules, the by-laws of the Association and the laws of the Commonwealth of Virginia will be deemed to be the only rules, regulations and guidelines governing elections, annual or interim, conducted on behalf of the Association, and are intended to comply fully with the by-laws of the Association and the laws of the Commonwealth of Virginia.

(c) The Board of Directors reserves the right to amend these Election Rules as may be deemed necessary to protect the interests of the Association, to conform to applicable provisions of laws of the Commonwealth of Virginia and/ or to conform with applicable provisions of the by-laws of Fairlington Villages, a condominium.

(d) Any amendment to these Election Rules may be proposed and debated at any regularly scheduled meeting of the Board of Directors but may not be voted upon until a subsequent regularly scheduled meeting of the Board of Directors. Any amendments to Election Rules will be finalized by the Board no later than the December Board meeting preceding the next year's election.