

MEMBERSHIP ACTION BY BALLOT

Statutory Authority; Content of Ballot

(a) C.R.S. § 7-127-109(1) provides that any action that may be taken at any annual, regular, or special meeting of members may be taken by written ballot without a meeting. C.R.S. § 7-90-102(66) provides that “writing” or “written includes an “electronic record” as that term is defined in the “Uniform Electronic Transactions Act,” which provides that an “electronic record” means a record created, generated, sent, communicated, received, or stored by electronic means.

(b) For purposes of any action taken by members by written ballot, members may vote by paper ballot or by electronic ballot.

Content of Ballot: A written ballot shall state each proposed action and provide an opportunity to vote for or against each proposed action.

Vote Required for Approval: Approval of an action by the members by written ballot shall be valid only when the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

No Revocation: Once cast, a written ballot may not be revoked.

Effect of Action by Written Ballot: An action of the members by written ballot has the same effect as action taken at a meeting of members and may be described as such in any document.

Procedures for Voting

(a) At least one month prior to the election date, the School shall provide a notice of election to all members. The notice of election shall state (i) the purpose of the election; (ii) the date of the election; (iii) the date on which ballots shall be distributed; (iv) the deadline for returning ballots; and a brief description of the voting procedure and the ballot return procedure.

(b) General voting procedures are outlined in Appendix F - Bylaws of the Twin Peaks Charter Academy Board of Directors. If the TPCA BOD chooses to implement electronic or mail voting for an election, electronic and paper ballots may not be distributed until after the candidates list and their information has been published. Electronic or mail ballots shall be returned no later than the closing time and date of the election, but may be required to be returned sooner if it is deemed necessary to ensure the integrity of the election. A list of those who have already voted should be maintained at the ballot box(es). If this cannot be updated in

real-time, then it may be necessary to suspend electronic voting during in-person voting hours. The Board may make determinations and adjustments based on the existing technology available at the time of the election.

(c) Members may vote by returning either a physical paper ballot or by digitally returning their ballot to the School. No members shall vote by both paper ballot and electronic ballot. If a member attempts to vote by both paper ballot and electronic ballot, the ballot submitted later in time (whether paper or-digital) shall be disregarded.

(d) The board of directors shall appoint a teller committee or third party vendor for each election. Each member shall swear or affirm that he or she shall keep all election information confidential. Any members who declines to so swear or affirm shall be removed from the committee and a replacement appointed.

(e) The teller committee or third party vendor shall keep a record of all members returning paper and electronic ballots as part of the record of the election. All ballots, whether paper or electronic, shall be retained for 30 days after the teller committee has delivered its election report.

(f) The teller committee or third party vendor shall review each ballot, whether paper or electronic. The following rules shall apply:

- (i) The ballot must have been cast by a member entitled to vote. Any ballot cast by a person other than a member entitled to vote shall be disregarded for all purposes.
- (ii) Spoiled or illegible ballots shall not be counted toward the vote total but shall be counted for purposes of determining a quorum.
- (iii) Under votes (ballots on which no candidate is selected) shall be counted for purposes of determining a quorum.
- (iv) Ballots received after the voting deadline shall be disregarded for all purposes.

(g) After reviewing all ballots, whether papers or electronic, the teller committee or third party vendor shall promptly tally the votes and issue an election report to the President.

Adopted May 4, 2017