

Collings Lakes Civic Association 2020 Election Information

This notice is from the Association's attorney, Gregg Shivers of the Hill Wallack firm to explain how this year's election of Trustees is being carried out. First it is important to point out that some of the procedures followed are not in compliance with the Bylaws because those Bylaws have been superseded by recent regulations issued by the Department of Community Affairs (NJAC 5:26-8.11). Legislation and regulations always take precedence over the governing documents of a community association as a matter of law. The Board will work with our attorney to amend our Bylaws to bring them into conformance with the Regulations for next year.

As you know, the Board is comprised of 7 Trustees, 2 from each tier and 1 at-large representative. All Trustees serve 2-year terms which are staggered to maintain continuity. This year, there is one opening for Tiers 1 and 3 and two openings for Tier 2. The at-large slot is not up for election this year.

In Tier 2, one of the Trustees resigned last month and has been replaced by Board appointment (April Schauer) until the election, but the remaining year of that slot must be filled at this year's election. Therefore, the candidates for Tier 2 will be running for two slots - a 2-year term and a 1-year term to fill out the second year of the abandoned position. The candidate with the most votes will fill the 2-year term and the candidate with the second most votes will fill the remaining 1-year term. That way, the terms will remain staggered.

In both Tier 1 and Tier 3, there is only one candidate for each position so there is no need to go through the effort and expense of sending out ballots. Therefore, Donna Sutts will be appointed by acclamation to the open Tier 3 slot and Steve Slimm will be appointed by acclamation to fill the open Tier 1 slot.

The election must be by secret ballot. Therefore, the members in good standing will receive a ballot along with a return envelope that will have their name and address on the outside. The instructions will direct them to **place the marked ballot in a blank envelope**, place that blank envelope in the supplied envelope and return it to the Association's attorney office (Hill Wallack in Cherry Hill). A Paralegal at the firm will open the outer envelope in order to ensure that there are no duplicate ballots and that the ballots are received from members in good standing. She will then deliver the unopened, blank envelopes containing the ballots to the election committee for counting. The actual opening and counting of the ballots will be done on a zoom conference so anyone in the community can observe the process. Because it is a secret ballot, no one in the community will have access to the outer envelopes – the paralegal will place the outer envelopes in a sealed package that cannot be opened without a court order. In that way, no one in the community will even be able to ascertain whether you voted or not without a court order. The ballots themselves will be available for inspection by any member with an interest in accordance with the regulations.