

Retention of Fairwood Greens Homeowner's Association Ballots

I. Introduction

The Fairwood Greens Homeowners Association wants to maintain the integrity of the election process for HOA elections. An important element of the election process is the maintenance of ballots for a reasonable length of time following an election.

To determine what is a reasonable length of time, King County was asked to state their policy. On April 5, 2002 the Superintendent of Elections for King County provided an e-mail with the county's policies. She stated the required time length varied depending on whether the election was a federal, state or local election. However, the guiding principle in the various laws is that the ballots are retained until a reasonable period after the expiration of any legal time limits for challenging the outcome of the election or protesting any election irregularity.

Ballots for Federal elections are to be kept for 22 months. For state elections ballots must be retained for 90 days but as a practical matter are kept for 22 months because typically the Federal and State elections use the same ballot. For local county and city elections the records must be kept for 60 days but are actually kept 6 months because it fits better into the work plan of those destroying the records.

The Fairwood Greens Legal Counsel advised your board on April 11, 2002 that ballots should be kept at least 36 months (3 years), as that is the basic statute of limitations for someone who may consider suing over the results of an election or vote for a homeowner's association.

II. Adoption of Policy:

Based on the above research the following policy is recommended for adoption by the Board

The Secretary for Fairwood Greens Homeowner's Association shall keep all ballots cast at an officially called Homeowners meeting for at least 36 months (3 years) unless directed by a court to extend the time period. The minutes including the recordings of the records of the votes are to be kept in perpetuity.

- **MOTION:** Upon motion duly made, seconded, and passed by a majority vote of 8 to 1 it was: Resolved that effective immediately on July 23, 2002 that this policy is adopted. CARRIED

The Motion was passed at the HOA Board Meeting on July 23, 2002 and was included in the minutes published in the August 2002 Fairwood Flyer.