

HOLIDAY ISLAND SUBURBAN IMPROVEMENT DISTRICT NO. 1

REGULATION 2020-003

A REGULATION AMENDING CHAPTER 2, OF THE CODE OF REGULATIONS BY AMENDING SECTION 2-31.1 BOARD OF COMMISSIONERS ELECTION AND VOTING PROCEDURES

Section 1: The Board of Commissioners of the Holiday Island Suburban Improvement District does resolve as follows: Chapter 2, Section 2-31.1 is amended and reads as follows:

Sec. 2-31.1. - Board of commissioners election and voting procedures.

(a) General. The procedures for the election of members to the board of commissioners (BOC) shall be followed as prescribed in A.C.A. Section 14-92-240 and as supplemented by this regulation. Where there is a conflict between the state statute and this regulation, the state statute will take precedence.

(b) Election day.

(1) The election day for the Holiday Island Suburban Improvement District (HISID or district) shall be the first Tuesday of December, each year.

(2) The poll will be open on election day from 8:30 a.m. to 6:00 p.m. with voting taking place at the district office. Following the closing of the poll, the ballot box shall be sealed and located to the commission chambers for ballot counting; the HISID office staff will count the ballots. Once the ballots are counted, the results will be immediately posted. The ballot counting will be open to the public. During the ballot counting, the public is to remain as quiet as possible. All discussions and phone calls are to be taken outside the commission chambers.

(c) Nominations.

(1) There shall be a nomination meeting held on the third Monday of October at 6:00 p.m. each year. The meeting will be held in the commission chambers at the district office, 110 Woodsdale Drive, Holiday Island, AR 72631.

(2) During the nomination meeting, any property owner in attendance may make one nomination. Nominees must be resident property owners. Nominated property owners must either be present at the nomination meeting to accept the nomination or have presented, at the meeting, a signed, notarized letter indicating same. A resident property owner may self-nominate.

(3) The nominees will draw numbers from a container to determine their name placement on the ballot.

(4) If a nominee is elected, they must abide by the following regulations:

a. Remain a resident property owner. If they sell their property(ies) or relocate outside the HISID, they forfeit their seat as a commissioner.

b. Within 30 days after their election, the commissioner shall take and file his/her oath of office, in which they shall swear to support the Constitution of the United States, the Constitution of the State of Arkansas and the regulations of the HISID, to discharge faithfully their duties as commissioner, and to not have any interest, directly or indirectly, in any contract let by the BOC.

c. Shall complete a financial disclosure form in accordance with Arkansas state law, to be filed with Carroll County.

(5) In the event there is only one nominee per vacancy, the nominee(s) will be declared elected by acclamation and there will be no election for that year. Their terms and seats will be determined by a coin toss.

~~(6) If a resident property owner is delinquent on their HISID assessment(s) or their HISID utility bill(s) at the time of nomination, they will be ineligible for nomination. In order to become eligible for nomination, the resident property owner with assessment(s) or utility bill(s) in arrears, must pay past due assessments and/or utility bill(s) in their entirety by cash or cashier's check, no later than the close of business on the preceding business day of the nomination meeting day. Paying on the day of nomination will not make them eligible to be nominated.~~

~~(7) (6) In the event the nominations submitted are not sufficient to fill the vacancies forthcoming in the election for which nominations are made, the BOC will fill the vacancy in the same manner as a commissioner resigning during their term in office.~~

(d) Nomination notice.

(1) Notice of the annual nomination and election meetings shall be mailed to each property owner at least 30 calendar days prior to the third Monday in October.

(2) The notice shall include the following information:

a. The time, date and place for the meetings to nominate and elect new commissioners.

b. How to request an absentee ballot; and

c. The qualifications for voting in the election.

d. Table Rock Landing shall, at least forty-five (45) days prior to any election for Commissioners in the District, notify Holiday Island Suburban Improvement District #1 of the names and address of all current owners of timeshare interests

(e) Qualifications for voting.

(1) Each individual property owner shall have one vote, regardless of the number of properties owned.

(2) A property or properties owned by a trust will have two votes; the trustees of the trust shall designate the two individuals eligible to vote.

(3) Eligible voters must be owners of record as of November 1 of the election year in which they are voting. Owners will be validated by deed copies provided by the title company effective November 1 of the year of the respective election. If one closes on a property after said November 1, they will be ineligible to vote in that year's election.

~~(4) If a property owner is delinquent on assessments, they will be ineligible to vote. In order to be eligible to vote, the property owner with assessments in arrears, must pay past due assessments in their entirety by cash or cashier's check no later than the close of business on the preceding business day of the voting day. Paying on the day of voting will not make them eligible to vote.~~

~~(5)~~ **(4)** Multiple owners.

~~a. Under no circumstances can more than two owners/persons of any property vote.~~

~~b. a.~~ Corporations, trusts and commercial multiple owners must designate, in writing, which two persons are authorized to vote for that entity. If either of the two persons selected own other properties in the HISID, they will be allowed only one vote. For example, one cannot vote for both a corporation and their residential unit.

~~c. b.~~ An owner of multiple commercial properties can vote.

~~d. c.~~ An owner of multiple rental units can vote.

~~e. d.~~ An owner of a timeshare building can vote; the holders of the time shares cannot vote. **and individuals listed on a deed for a timeshare interest are eligible to vote.**

~~f. e.~~ If a house of worship (church, chapel, synagogue, etc.) pays assessment(s) and/or property tax on any or all of their property(ies) they will be classed as a trust and will be eligible for up to two voters. Said voters must be designated in writing and approved by their respective governing body of the house of worship.

~~(6)~~ **(5)** If a person(s) owns property as a result of a recorded "contract for deed," they are eligible to vote. If the "contract for deed," is not recorded, they will not be eligible to vote.

(f) Ballots.

(1) Regular ballots.

a. When voting at the HISID office, a voter cannot leave the building with a ballot; the ballot must be marked and deposited in the ballot box at the HISID office.

b. Ballots cannot be faxed in, faxed out, or electronically transmitted.

(2) Absentee ballots.

a. The HISID will have request forms for absentee ballots at the HISID office and on the district website; from the website, the form can only be downloaded and printed, it cannot be submitted electronically. The form must be completed in hard copy and the original signed by the voter.

b. All absentee ballots must be requested, in writing, by the individual slated to vote. No person may request an absentee ballot for another person. Invalids, nursing home patients, persons confined to their homes or physically incapacitated may request absentee ballots by mail or a representative can hand deliver the written request to the HISID office, however, the absentee ballot will be mailed to the requestor.

c. Any person may request an absentee ballot by mail, but they must provide their signature on the request and the following information: unit, block, lot numbers of the property owned. If the name and signature do not match up with the ownership of the unit, block and lot numbers submitted, the request will be invalid and not processed.

d. Requests for absentee ballots can be made to the HISID, Attention: Election Clerk, 110 Woodsdale Drive, Holiday Island, Arkansas 72631.

e. Following the nomination meeting, absentee ballots will be prepared and mailed to requesting property owners.

f. Mailed in absentee ballots must arrive in the HISID office no later than 6:00 p.m. the day of the election. If a person hand delivers their absentee ballot on the day of the election to the HISID office, it must be submitted on or before 6:00 p.m. in the official absentee ballot envelope.

(g) Early voting.

(1) Early voting shall take place starting 15 calendar days preceding the election day (first Tuesday in December).

(2) Early voting shall take place in the lobby area of the HISID office, located at 110 Woodsdale Drive, Holiday Island, Arkansas 72631, on normal business days between the hours of 8:00 a.m. and 4:30 p.m.

(3) Exceptions: there will be no early voting on Thursday, Thanksgiving Day or Friday, the day after Thanksgiving Day, nor will there be early voting on Saturdays or Sundays of the 15 calendar days preceding the election day.

(h) Provisional Ballots

(1) When an individual requests a ballot but their property owner status cannot be verified at the time of voting, the voter will be offered an opportunity to cast a ballot using the following Provisional Voting Procedure.

a. The election official will write the name of the voter on the LIST OF PROVISIONAL VOTERS form.

b. The voter will complete the Information section on the PROVISIONAL VOTER ENVELOPE as completely and legibly as possible to aid in verifying their voting eligibility. It's not mandatory, but if the voter has a copy of their recorded deed they are asked to provide a copy for the record.

c. The voter signs the eligibility affirmation on the PROVISIONAL VOTER ENVELOPE.

d. The election official will give the voter a regular ballot.

e. The voter marks the ballot.

f. The voter places the ballot in the PROVISIONAL VOTER ENVELOPE and seals the envelope.

g. The voter returns sealed Provisional Voter Envelope to the election official and places it in the Provisional Ballot Box.

(2) As soon as possible after the provisional ballot has been cast, an election official will conduct a data search based upon the information given by the voter in an effort to verify the property owner status for the individual voting. The election official will certify on the Provisional Voter Envelope if they were successful or unable to confirm the provisional voter's property ownership status or their eligibility to vote.

(3) Following the counting of all regular and absentee ballots on election day, the Board of Commissioners may take one of the following actions concerning any provisional ballot cast.

a. The Board of Commissioners may accept or reject any provisional ballot based upon the verification of property owner status that was certified by the election official. If accepted, the Provisional Voter Envelope will be opened and the ballot will be counted and included in the ballot count. If the ballot is rejected, the Provisional Voter Envelope will remain sealed.

b. Only in the case were the total number of provisional ballots is insufficient in number to change the outcome of the election, the Board of Commissioners may elect keep all Provisional Voter Envelopes sealed and not include any provisional ballots in the count.

c. In the case were the total number of provisional ballots are sufficient in number to possibly change the outcome of the election, the Board of Commissioners may find it necessary to seek legal advice on any or all provisional ballots before deciding to accept or reject any or all ballots. The Board of Commissioners may delay the certification of the election if necessary to obtain the advice of the attorney. If the certification of the election is delayed for the purpose of seeking legal advice, the Board of Commissioners has up to 7 days to hold a subsequent meeting to complete its investigation and certify the election.

(4) The Holiday Island Suburban Improvement District will count provisional ballots only upon verification of property ownership. Voters casting a provisional ballot will be notified following the election if their ballot was counted or not, and if it was not counted, why it was not counted.

~~(h)~~ **(i)** Tie votes.

(1) Tie votes of the lower vote-getters for the last vacant seat up for election will be decided by the drawing of a marked chit from a container. One chit per candidate will be placed in a container wherein one of the chits will be marked with an "X". Each candidate will draw from the container; the candidate who draws the chit with the "X" wins.

(2) If a tie vote occurs among the top vote-getters for vacant seats on the BOC, the top vote-getter will be decided the same as subsection (h)(1) above with the loser rotating down to the next vacant seat and all other candidates bumping down one position until the remaining seats are taken.

~~(i)~~ **(j)** Campaign materials.

(1) The following election rules shall be enforced for all board of commissioners elections:

a. The posting of campaign banners, campaign literature, candidate posters, or any type of signage endorsing a candidate for commissioner is prohibited in any district-owned facility, on district property or on district rights-of-way; and

b. No person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever on the district-owned property or adjacent district rights-of-way of the building containing the polling place on election day.

Section 2: Severability Clause: The sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any phrase, clause, sentence, paragraph, or section of this Regulation, or its application to any persons or circumstances, shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Regulation or their application.

Section 3: All regulations or parts of regulations conflicting with any of the provisions of this regulation are hereby repealed to the extent of such conflict.

Section 4: Effective date.

This regulation shall become effective immediately upon passage.

First Reading: July 20, 2020

Second Reading: _____, 2020

Passed this _____ day of ____, 2020

Signed:

Holiday Island Suburban Improvement District No. 1

Commissioner Kenneth R. Brown, Chairperson

Attest:

Commissioner David Orr, Secretary