

2012 Election Committee Notes:

ARTICLE 6 – SECTION 2 (Bylaws): *“Election to the Board of Directors shall be by secret written ballot...at such election, the members or their proxies may cast, in respect to each vacancy, as many as they are entitled to exercise under the provisions of the Declaration...the persons receiving the largest number of votes shall be elected...cumulative voting is not permitted.”*

ARTICLE 4 (Articles of Incorporation): *“...in no event shall more than one vote be cast with respect to any Lot, Site, or Living Unit...the total multiple dwelling Living Unit (MDLU) votes shall not exceed 49% of the total votes cast...and, if necessary, each multiple dwelling Living Unit vote shall be appropriately weighted so that the total thereof does not exceed this maximum. On all votes taken in the Association, multiple dwelling Living Unit votes (defined as 3 votes per each multiple dwelling Living Unit owned) shall be taken and counted separately to effectuate the above...cumulative voting is not permitted.”*

ARTICLE 8 – SECTION 1.E (Bylaws): *The Board of Directors shall have power to...employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.”*

ARTICLE 11 – SECTION 3 (Bylaws): *“The books, records, and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member...the Declarations, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any members at the registered office of the Association, where copies may be purchased at reasonable cost.”*

MN STATUTE 317A.439 – INSPECTION: *“The list of members must be available for inspection by a member with voting rights for the purpose of communication with other members...at the corporation’s registered office...a member, a member’s agent, or an attorney is entitled on written demand to inspect and to copy the list, at a reasonable time and at the member’s expense...”*

ARTICLE 8 – SECTION 1.B (Bylaws): *“The Board of Directors shall have power to suspend the voting rights...of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association.”*

“Jonathan can suspend the voting rights of any members who are delinquent or in arrears in the payment of their Jonathan Association assessments.” David G. Hellmuth, Jonathan legal counsel

The Jonathan Board voted unanimously at its January 2012 monthly meeting to invoke Article 8-Section 1.B authority to suspend the voting rights of any and every member who is in default or delinquency status in the payment of assessments or ARC fines. The Board discussed and affirmed this decision at its February 2012 monthly meeting. This suspension of voting rights will apply to the 2012 Annual Meeting, and also throughout the 2012 Annual Board Candidate Election process; announcement and enforcement commenced with the mailing of the Notice of Annual Meeting packet on February 3, 2012.

COUNTING OF BALLOTS:

- Article VIII – Section 1(E) of the Jonathan Bylaws allows for Jonathan (via Election Committee) to delegate vote counting obligations to a third party contractor (CPA firm)
- Jonathan (via the Election Committee) will ask the CPA firm to do everything legal & reasonable to carry out the intent of the voters, as indicated on each submitted ballot, and try to avoid the use of “technicalities” that might disqualify any votes/ballots
- Jonathan (via the Election Committee) will ask the CPA firm to use/follow typical legal vote counting guidelines in determining and publishing the election results
- The counting of votes will not be observed or directed by Jonathan Board members, Gassen employees, or Jonathan Association members – no observers will be allowed

MEMBER NAMES/MEMBERSHIP MAILING LISTS:

- Each candidate has the opportunity to communicate information to the Association members via the mailing of a candidate “fact sheet” – using the biographical data provided by the candidates themselves on the Board Candidate application
- The Election Committee believes that giving each candidate an equal opportunity to present a written statement to the Association members is the fairest way of facilitating election-related communication
- A current list of homeowner names and addresses can be inspected and copied at a reasonable time and at the candidate’s expense, provided that a prior written request has been received by the candidate seeking such a list

2012 ELECTION COMMITTEE MEMBERS:

Sandi Rossol (Chair) – Autumn Woods
Linda Frey – Neighborhood 6
JoAnn Halberg – Neighborhood 2

Elaine Ward – Neighborhood 2
Nicole Kirk – Gassen Company
David G. Hellmuth – Jonathan Legal Counsel