

Breaking News: Hidden Lake Attorney reverses his opinion from 2020 and states that proxy voting is allowed only for the spouse of a property owner.

In an email from the president of HLA, it was announced that proxy voting except as noted will not be permitted at any elections in the future, including the elections at the upcoming Annual Meeting, which will be held Sunday, May 21, 2023. The email is as follows:

To all Association members

Below, please find the latest email from Attorney Cohen who represents the Hidden Lake Association. After further research, along with collaborating with another Attorney it has been decided that the Hidden Lake Association cannot vote by proxy. Attorney Cohen explains his findings below.

The board of Governors had thought that they were doing their due diligence prior to this annual meeting, both in 2020 and again just today. To our surprise only proxies can be transferred to their spouse.

Jay and Sheri –

I have reviewed Attorney Shea's opinion and I regret to say that he is probably right. As he noted, your Special Act is confusing because it refers to proxy voting only in the line about spouses, which I've never seen in any other district's documents. Your Special Act authorizes you to enact bylaws, and you have one that allows anyone to vote by proxy, but that's probably not enough. Although no court has ever ruled on this issue, if the district were to count proxies and got sued over it, a court would be more likely than not to conclude that your bylaw exceeds what your Special Act contemplates, and that proxies are prohibited except between spouses.

I realize that this contradicts the opinion I gave you in 2020. I sincerely apologize for that. It's not impossible that your proxy bylaw would hold up in court, and like I said, the language is strange. But I believe the safer approach is to notify the community that, based on legal advice, proxies will not be permitted at the upcoming election or any future meetings except when an owner gives one to his or her spouse who is not on the deed.

Adam

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The board members apologizes for any inconveniences.

Proxy voting in the 2020 election meeting held on Zoom had an effect on the outcome of the vote for the open board seat and the office of treasurer. In both cases, the candidates who were elected would have lost the election if the proxy votes were not allowed. At least one of the candidates had objected to the solicitation of proxy votes during the COVID lockdown. The email from Attorney Cohen did not address this issue.

The minutes of the election meeting of 2020 show the following results for the two contests in question:

President, Jay Cassella will now present the votes for Treasurer.... Treasurer, Alan Stokke has (12)online votes Association Member, Robert Kiehm has(9) online votes Recording Secretary, Lori-Ann Hoberman states that (3) proxy's need to be added to Treasurer Alan Stokke's count and (17) proxy's need to be added to Association Member Robert Kiehm's count. The final Vote for Treasurer stands as Alan Stokke (15) votes and Robert Kiehm (26)

President, Jay Cassella will now present the votes for the open Board Member position.... Board Member, Carolyn Chalifoux has (4) online votes Association Member, Celeste Benoit has (10) online votes Association Member, Heather Edelson has (7) online votes Recording Secretary, Lori-Ann Hoberman states that there are (0) proxy's to add to Carolyn Chalifoux's votes and (7) proxies to add to Heather Edelson's count and (3) proxy's to add to Celeste Benoit's count. The Final vote for Board Member stands as: Celeste Benoit (13) Carolyn Chalifoux (4) Heather Edelson (14)

The question of proxy voting has been brought up several times before and after the 2020 elections. The basis for the decision is the Office of Legislative Research report titled Special Act Special Taxing Districts' Use of Proxy Voting. [Click Here](#) to read the report.