

22 Station Owners Association, Inc.

ELECTION RULES

Effective June 2026

The following Election Rules for 22 Station Owners Association, Inc. are adopted pursuant to the Davis-Stirling Common Interest Development Act (Civ. Code, § 4000 et seq.) and in accordance with the Association's authority under its Governing Documents. Unless otherwise indicated, all capitalized terms are as defined in the Act. These Election Rules shall apply to any vote regarding assessments legally requiring a vote, election and removal of Directors, amendments to the Governing Documents and the grant of exclusive use of any portion of the Common Area to a Member. These Election Rules supersede and replace all prior versions.

ARTICLE I: DIRECTOR NOMINEE AND DIRECTOR QUALIFICATIONS

1.1 Director Nominee Disqualification. After providing a Person with the opportunity to engage in internal dispute resolution (Civ. Code, §§ 5910, 5915), the Association shall disqualify a nominee when:

- a. **Membership.** The Person is not a Member at the time of his or her nomination.
- b. **Co-Owners Eligible for Only One Position.** The Person, if elected, would be serving on the Board with his or her co-owner of a Separate Interest.
- c. **Current on Assessments.** The Person is delinquent in the payment of any regular or special assessment and has not paid the assessment under protest or entered into a payment plan.
- d. **No Convictions Impacting Fidelity Bond.** The Person has been convicted of a crime that would, if elected, either prevent the Association from purchasing fidelity bond coverage or would cause the termination of the Association's existing fidelity bond coverage.
- e. **Member for at Least One Year.** The Person has not been a Member for at least one year at the time of nomination.

(Civ. Code, §§ 5105(b)-(e), 5658, 5665, 5806.)

1.2 Director Qualifications. Directors must meet the qualifications set forth in the bylaws and must not be delinquent in the payment of any assessment, except where the Person has paid the assessment under protest, or where the Person has entered into a payment plan. For purposes of this section, the term "assessment" does not include fines, fines renamed as assessments, collection charges, late charges or costs levied by a third party. (Civ. Code, §§5105(c), 5665, 5658.)

1.3 Election At Least Every Four Years. The Association shall conduct an election for the board of directors at the end of each Director's expiring term and at minimum once every four years. (Civ. Code, §5100(a)(2).)

1.4 Designee of Impersonal Member. In the event a corporation or other impersonal entity holds title to a Separate Interest, it may designate one Person to stand for election to the Board on its behalf. (Civ. Code, §5105(b)(2).)

1.5 Candidate Registration List. The Association shall maintain a candidate registration list specifying all candidates' names that will appear on the ballot, and their addresses. The candidate list shall include name and address of individuals nominated as a candidate for election to the Board of Directors. The Association shall permit Members to verify the accuracy of their individual information on the candidate registration list at least thirty (30) days before the ballots are distributed. The Association or Member shall report any errors or omissions to the

candidate registration list to the inspector or inspectors of election who shall make the corrections within two (2) business days. Unless otherwise specified by the inspector of elections, the Association's manager shall be authorized to make corrections to the candidate registration list on behalf of the inspector of elections and shall provide such updated candidate registration list to the inspector of elections at his/her request, or at the time the ballots are counted and tabulated.

(Civ. Code, §5105(a)(7).)

ARTICLE II: INSPECTOR OF ELECTIONS

2.1 Selection.

- a. **Process.** Prior to the date ballots are first sent out and at an open meeting of the Board, the Board shall select either one (1) or three (3) independent third parties to serve as the inspector of election.
- b. **Eligible Inspector.** The inspector of election must be an independent third party who is not a person, business entity or subdivision of a business entity who is currently employed or under contract with the Association for any compensable services other than serving as an inspector of election, and may include any of the following:
 - i. **Poll Worker.** A volunteer poll worker with the County Registrar of Voters;
 - ii. **Accountant.** A licensee of the California Board of Accountancy;
 - iii. **Notary Public.** A notary public;
 - iv. **Association Members.** Members of the Association, but not: (i) members of the Board, (ii) candidates for the Board, (iii) Persons related to a member of the Board, or (iv) Persons related to a candidate for the Board;
 - v. **Independent Third Party Inspector of Election.** An independent third party Person.

(Civ. Code, § 5110(b).)

2.2 Duties. Duties of inspector of election shall include the following:

- a. **Deliver Ballots and Rules.** Deliver, or cause to be delivered, at least thirty (30) days before an election, to each Member: (i) the ballot(s) by either prepaid first class mail or personal delivery, and (ii) a copy of these Election Rules by either prepaid first class mail, personal delivery or posting them to an internet website and including the internet website address on the ballot together with "The rules governing this election may be found here: [website address]" in at least 12-point font. Unless otherwise specified by the inspector of election, the Association's manager is authorized to deliver the ballots and a copy of these election rules to each Member.
- b. **Membership.** Determine the number of memberships entitled to vote and the voting power of each.
- c. **Voter and Candidate Registration Lists.** Make changes requested by the Association or Members to the voter and candidate registration lists within two (2) days of receipt of documentary evidence demonstrating the inaccuracy of either list. Maintain the final candidate registration list until after the tabulation of the vote and for one (1) year from the date of the election, at which time custody shall be transferred to the Association. Unless otherwise specified by the inspector of elections, the Association's manager is authorized to make corrections to the voter list and provide an updated voter list to the inspector of elections upon request, or at the time the ballots are counted and tabulated.

- d. **Validity.** Determine the authenticity, validity and effect of proxies, if any.
- e. **Closing and Reopening of Polls.** Determine when the polls shall close and determine whether to reopen the polls to allow Members to cast a ballot after the polls have been closed.
- f. **Receive Ballots.** Receive all ballots. Once received by an inspector of election, ballots are irrevocable. A written ballot shall be considered received by the inspector of election when sent, placed in the ballot box, or given directly to the inspector of election. Unless the inspector of election designates otherwise, the Association's manager is authorized to receive written ballots on behalf of the inspector of elections and the location for the Members to mail and deliver ballots shall be the Association's manager's office. The unopened written ballots shall be addressed to the inspector of election, kept inside their sealed envelopes in a safe and secure location, and delivered to the inspector of elections at his/her request, or at the time the written ballots are scheduled to be opened and tabulated by the inspector of election(s).
- g. **Custody.** Maintain custody of the sealed ballots, signed voter envelopes, voter list, proxies and candidate registration list at all times. The sealed ballots, signed voter envelopes, voter list, proxies and candidate registration list shall be in the custody of the inspector of election or at a location designated by the inspector until after the tabulation of the vote and until the time allowed by Civil Code section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association. No Person, including a Member of the Association or an employee of the management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated. The inspector of election or his or her designee may verify the Member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated. If the meeting to count and tabulate the ballots has a minimum quorum requirement and unless the inspector(s) of election designate otherwise, the Association's manager may verify Member information on the outer envelope prior to the meeting where the ballots will be counted for purposes of informing the Board and inspector of elections whether a sufficient number of ballots have been received for establishing a quorum only. Unless otherwise permitted by law, the Association's manager is not authorized to determine the validity or authenticity of any ballot received.
- h. **Challenges.** Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote. If there is a recount or other challenge to the election process, the inspector shall make the ballots available for inspection and review upon written request. A Member may authorize a representative to review the ballots on his or her behalf. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.
- i. **Count Ballots.** Count and tabulate all votes. All votes shall be counted and tabulated by an inspector of election or his or her designee at a properly noticed open meeting of the Board or Members. Members may witness, but not interfere with, the counting and tabulation of the votes from at least five (5) feet away from the inspector and his or her assistants.
- j. **Appoint Assistants.** Appoint and oversee additional Persons to verify signatures, and to count and tabulate votes as the inspector of election deems appropriate provided that such Persons are independent third parties.
- k. **Results.** Determine the tabulated results of the election.
- l. **Impartiality.** Perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical in a manner that protects the interest of all Members of the Association.

- m. Recount.** Any request for a recount must be submitted in writing within thirty (30) days after the election. Any recount must be conducted in a manner that preserves the confidentiality of the vote. A recount will be scheduled within thirty (30) days after a written request for recount is received by the inspector of election. General Notice of the recount must be provided to the Members at least four (4) days before the scheduled recount. All costs associated with the recount will be borne by the requesting Member(s) and must be paid at least twenty-four (24) hours before the date and time scheduled for the recount. If the costs are not paid, no recount will be conducted pursuant to the Member's request.
- n. Miscellaneous.** Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with the Civil Code, the Corporations Code and the Governing Documents. If there are three inspectors, a majority will decide any issues not agreed upon by all. Any report made by the inspector is prima facie evidence of the facts stated therein.
- o. Duties for Elections Conducted by Electronic Voting.** If the inspector or inspectors of election conduct an election by electronic secret ballot pursuant to Section 5105, they must ensure compliance with all of the following,

 - i. Each member voting by electronic secret ballot shall be provided with all of the following:

 - A. A method to authenticate the member's identity to the internet-based voting system.
 - B. A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.
 - C. A method to confirm, at least thirty (30) days before the voting deadline, that the member's electronic device can successfully communicate with the internet-based voting system.
 - ii. Any internet-based voting system that is utilized shall have the ability to accomplish all of the following:

 - A. Authenticate the member's identity.
 - B. Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.
 - C. Transmit a receipt from the internet-based voting system to each member who casts an electronic secret ballot.
 - D. Permanently separate any authenticating or identifying information from the electronic secret ballot, rendering it impossible to connect an election ballot to a specific member.
 - E. Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

(Civ. Code, §§ 5105(g)(4), 5110(c) and (d), 5120, 5125.)

2.3 Removal. The Board has the power to remove any inspector who ceases to meet the required qualifications, is unable or unwilling to perform his or her duties, or for other good reason, and to appoint a new inspector in his or her place.

ARTICLE III: NOMINATIONS

3.1 Nominations. The Association may utilize any permissible means authorized by the bylaws to obtain nominations for Directors.

3.2 Self-Nomination. Any Member meeting the qualifications set forth in these Rules may nominate himself or herself by fully completing and executing the application contained in the request for nominations. All such Members who return an application on or before the deadline stated in the request for nominations shall be included on the ballot for election of Directors. (Civ. Code, § 5105(b).)

3.3 Write-Ins/Floor Nominations. Write-in/floor nominations are not allowed.

3.4 Notice of Procedures and Deadlines.

a. Content and Timing of Notice. At least thirty (30) days before the deadline set for submitting nominations, the Association shall provide notice to the Members of the procedures and deadlines for submitting nominations. Individual notice shall be delivered pursuant to Civil Code section 4040 if individual notice is requested by the Member.

b. Delivery. Notice of nomination procedures and deadlines must be given as follows:

i. General Notice For Members Who Have Not Requested Individual Notice (Email or Mail Notice)

a) Method of Delivery. By either (i) first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier, (ii) email, facsimile or other electronic means, if the recipient has consented, in writing or by email, to that method of delivery, (iii) inclusion in a billing statement, newsletter, or other document that is delivered by one of the methods provided in Civil Code section 4045, (iv) posting the printed document in a prominent location that is accessible to all Members, if the location has been designated for the posting of general notices by the Association in the annual policy statement, ~~or~~ (v) if the Association broadcasts television programming for the purposes of providing information on Association business to its Members, then by inclusion in that programming, or (vi) posting on the Association's internet website.

b) Location of Delivery. If by mail to the Member and the Member has identified a secondary address, then the mailing shall be to the primary and secondary address as provided by the Member. If the Member has failed to provide annual notice of the Member's address, then to the last address provided in writing by the Member. If the Member has not provided an address in writing, then to the Member's Separate Interest. (Civ. Code, § 4040 et seq.)

ii. For Members Who Have Requested Individual (Email or Mail Notice)

a) Method of Delivery. By either (i) first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier, or (ii) email, facsimile or other electronic means, if the recipient has consented, in writing or by email, to that method of delivery. (Civ. Code, § 4040.)

b) Location of Delivery. If by mail to the Member and the Member has identified a secondary address, then the mailing shall be to the primary and secondary address as provided by the Member. If the Member has failed to provide annual notice of the Member's address, then to the last address provided in writing by the Member. If the Member has not provided an address in writing, then to the Member's Separate Interest. (Civ. Code, § 4040 et seq.)

- c. **Notice Deemed Given.** Notice of nomination procedures and deadlines is deemed given when delivered personally, deposited in the mail, or upon completion of electronic transmission to those Members who have consented to the same. (Civ. Code, § 4050.)

(Civ. Code, §§ 5105(b), 5115(a).)

ARTICLE IV: BALLOTS AND PROXIES

4.1 Notice. For elections of directors and for recall elections, the Association must provide General notice (or individual notice shall be delivered pursuant to Section 4040 if individual notice is requested by a member) of all of the following at least thirty (30) days before the ballots are distributed:

- a. **Notice Contents.** (i) The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector, (ii) the date, time, and location of the meeting at which ballots will be counted, and (iii) the names of all candidates that will appear on the ballot, and as follows as applicable.
 - i. If the Association allows for voting in an election by electronic secret ballot as provided for in Civil Code Section 5105, the date and time by which electronic secret ballots are to be transmitted to the internet-based voting system and preliminary instructions on how to vote by electronic secret ballot upon commencement of the voting period.
 - ii. The date, time, and location of the meeting at which a quorum will be determined and at which ballots will be counted.
 - iii. A statement that the Board of Directors may call a subsequent meeting at least twenty (20) days after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be twenty percent (20%) of the Association's Members voting in person, by proxy, or by secret ballot.
- b. **Delivery.** The notice provided by this section must be given as follows:
 - i. **General Notice For Members Who Have Not Requested Individual Notice (Email or Mail Notice).**
 - a) **Method of Delivery.** By either (i) first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier, (ii) email, facsimile or other electronic means, if the recipient has consented, in writing or by email, to that method of delivery, (iii) inclusion in a billing statement, newsletter, or other document that is delivered by one of the methods provided in Civil Code section 4045, (iv) posting the printed document in a prominent location that is accessible to all Members, if the location has been designated for the posting of general notices by the Association in the annual policy statement, (v) if the Association broadcasts television programming for the purposes of providing information on Association business to its Members, then by inclusion in that programming, or (vi) posting on the Association's internet website.
 - b) **Location of Delivery.** If by mail to the Member and the Member has identified a secondary address, then the mailing shall be to the primary and secondary address as provided by the Member. If the Member has failed to provide annual notice of the Member's address, then to the last address provided in writing by the Member. If the Member has not provided an address in writing, then to the Member's Separate Interest. (Civ. Code, § 4040 et seq.)
 - ii. **For Members Who Have Requested Individual (Email or Mail Notice).**

a) **Method of Delivery.** By either (i) first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier, or (ii) by email, facsimile or other electronic means, if the recipient has consented, in writing or by email, to that method of delivery. (Civ. Code, § 4040.)

b) **Location of Delivery.** If by mail to the Member and the Member has identified a secondary address, then the mailing shall be to the primary and secondary address as provided by the Member. If the Member has failed to provide annual notice of the Member's address, then to the last address provided in writing by the Member. If the Member has not provided an address in writing, then to the Member's Separate Interest. (Civ. Code, § 4040 et seq.)

c. **Notice Deemed Given.** Notice is deemed given when delivered personally, deposited in the mail, or upon completion of electronic transmission to those Members who have consented to the same. (Civ. Code, § 4050.)

4.2 Voting Rights.

a. **Number of Votes.** Each Member shall be entitled to one (1) vote per Separate Interest owned on all matters presented for a membership vote.

b. **Denial of Ballot.** No Member shall be denied a ballot for any reason other than not being a Member at the time when ballots are distributed.

c. **Voter List.** The Association will permit Members to verify the accuracy of their individual information on the voter list at least thirty (30) days before the ballots are distributed. Included on the list are the name, voting power, physical address of the voter's lot, and mailing address if different from physical address. The Association will advise the inspector of any requested changes and maintain the voter list, after return by the inspector, for three (3) years from the election.

d. **Record Date.** The Board may fix a record date no more than sixty (60) days prior to a meeting for those Members entitled to notice and vote. If the Board does not set a record date, the record date for notice of meetings will be the date before notices are mailed to the Members of a meeting, or for voting, the day written ballots are sent. (Corp. Code, § 7611.)

e. **Proof of Membership.** Except as provided in subdivision (f) of this section, no Person may exercise the rights of membership without an ownership interest in a Separate Interest. Proof of membership will be a recorded deed or, if the property was transferred within the past thirty (30) days and a copy of the newly recorded deed is unavailable, a completed escrow closing statement.

f. **General Power of Attorney.** The holder of a general power of attorney that complies with Probate Code §4000 et seq. for a Member shall not be denied a ballot and may exercise that Member's right to vote consistent with the terms of these rules. A general power of attorney must, at a minimum, contain the date of its execution, be signed by its principal (or at the principal's direction), and be acknowledged before a notary public or witnessed by two adults who are not the attorney-in-fact.

g. **Cumulative Voting.** Cumulative voting is permitted in accordance with the CC&Rs and Bylaws.

h. **Co-Owners.** Where there is more than one (1) owner of a Separate Interest, all such co-owners are Members and may attend any meeting of the Association, but only one co-owner shall be entitled to exercise the vote of the Separate Interest.

i. **Presumption of Consent.** Unless the inspector of election receives a written objection prior to the close of balloting from a co-owner, it will be presumed that the voting owner is acting with the consent of his or her co-owner when a ballot is submitted.

- j. **Voting for Properly Nominated Candidates.** Members must vote only for those candidate(s) who have been properly nominated prior to the close of nominations.

4.3 Proxy Rules.

- a. **Generally.** Proxies are permitted. (Civil Code §5130(b); Bylaws) A proxy is a written authorization signed by a Member or the authorized representative of the Member that gives another Member or Members the power to vote on behalf of that Member. "Signed" means the placing of the Member's name on the proxy (whether by manual signature, typewriting, telegraphic transmission or otherwise) by the Member or authorized representative of the Member. (Civ. Code, § 5130; Corp. Code, § 7613.)
- b. **Processing.** Proxies for elections conducted under these rules will not be distributed by the Association and may not be used in place of ballots. A Member wishing to authorize another individual to vote in their place should complete the outer envelope accompanying the ballot with all the required information, then provide the designated individual the ballot for their voting. The designated individual must ensure that the ballot is completed and returned to the inspector of election in the manner set forth in these rules for the ballot to be considered valid.
- c. **Permitted with Restrictions.** Proxies are permitted provided they are in accordance with Governing Documents, applicable laws, and these guidelines:
 - i. A proxy provider must be a Member or the Member's representative and the proxy holder must be a Member.
 - ii. Proxies must (a) state the matter(s) to be voted on and provide an opportunity for the proxy provider to approve or disapprove the matter(s); (b) state that the vote(s) of the proxy holder will vote on according to the choice(s) specified; (c) include the name of the Person to whom the proxy is to be given for the purpose of casting the vote to reflect the proxy provider's vote(s) as specified on the form of proxy; and (d) if in the case of an election of Directors, the proxy must list the name of all candidates that appear on the ballot.
 - iii. Any instruction given in a proxy must be on a separate page of the proxy that can be detached and given to the proxy holder to retain.
 - iv. Proxies are not used in lieu of a ballot.
 - v. The proxy holder will cast the Member's vote by secret ballot unless the proxy is revoked by the Member prior to the receipt of the ballot by an inspector of election.
 - vi. The Association is not required to prepare or distribute proxies.
 - vii. The inspector may invalidate any proxy that does not meet the above requirements.

(Civ. Code, §§ 5105(a)(4), 5130; Corp. Code § 7613.)

4.4 Secret Ballots. All written secret ballots mailed or otherwise delivered to the membership will include a double-envelope system, except for electronic balloting, and voting instructions for returning the ballots and be delivered to every Member entitled to vote at least thirty (30) day before the initial voting deadline for those elections that require such voting methods.

- a. **Content of Ballots.**

- i. For Director elections, the ballot shall contain the list of candidates, and the number of Directors to be elected, and if cumulative voting is permitted, that each Member is entitled to cast the number of votes equal to the number of Directors to be elected.
 - ii. For the amendment or restatement of Governing Documents, the ballot shall contain the text of the proposed amendment.
 - iii. For all elections, the ballot shall contain the date and time that the initial balloting period will close, the quorum requirement, and a statement that the balloting period may be extended if sufficient ballots have not been received to establish a quorum.
- b. **Signature.** Ballots do not require a signature; however, ballots signed by Members remain valid.
 - c. **Inner Envelope.** The Association will provide two envelopes. To preserve secrecy, the ballot is to be placed within an inner envelope with no identifying information. However, information written on the inner envelope by a Member will not invalidate the ballot. The inner envelope containing the ballot is to be placed into a second outer envelope containing identifying information.
 - d. **Outer Envelope.** In the upper left-hand corner of the outer envelope, the voting Member must sign his or her name and indicate (print, type, etc.) his or her name and the address entitling the voter to vote. The outer envelope must be addressed to the inspector of election.
 - e. **Delivery.** The outer envelope may be mailed to the address on the envelope or delivered to a location specified by the inspector of election. The Member may request a receipt for delivery.

4.5 Quorum by Ballot. Each ballot received within a properly completed outer envelope from a Member is deemed as a Member present at a meeting for purposes of establishing a quorum. This applies even if the ballot has no markings on it.

4.6 Elections by Acclamation.

- a. Elections by Acclamation. As long as all of the conditions in this Article II are met and regardless of the secret balloting requirement in Civil Code Section 5100 or any contrary provision in the Governing Documents, when the number of qualified candidates is less than or equal to the number of Board vacancies to be elected (as of the deadline for submitting nominations provided for in Article III), the Association may, but is not required to, consider the qualified candidates elected by acclamation.
- b. Association Must Hold Regular Director Elections. The Association must have held a regular Director election at least once in the last three (3) years. The three (3) year time period will be calculated from the date ballots were due in the last full election to the start of voting for the proposed election. As used herein, the term “held a regular Director election” means conducting an election by distributing ballots and attempting to hold a Director election even if ballots could not be opened due to lack of quorum.
- c. Individual Notice to Members of Election and Nomination Procedures. The Association must provide Individual Notice pursuant to Civil Code section 4040 of the election and candidate nomination procedures as follows:
 - i. Initial Notice. An initial notice must be delivered to the Members at least ninety (90) days before the deadline for submitting nominations (“Initial Notice”). The Initial Notice must include all of the following:

- A. The number of Board positions that will be filled at the election.

- B. The deadline for submitting nominations.
 - C. The manner in which nominations can be submitted.
 - D. A statement informing members that if, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board of directors may, after voting to do so, seat the qualified candidates by acclamation without balloting.
- ii. **Reminder Notice.** A reminder notice must be delivered to the Members between 7 and thirty (30) days before the deadline for submitting nominations (“Reminder Notice”). The Reminder Notice must include all of the following:
- A. The number of Board positions that will be filled at the election.
 - B. The deadline for submitting nominations.
 - C. The manner in which nominations can be submitted.
 - D. A list of the names of all of the qualified candidates to fill the Board positions as of the date of the Reminder Notice.
 - E. A statement informing members that if, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board of directors may, after voting to do so, seat the qualified candidates by acclamation without balloting. This statement is not required if, at the time the reminder notice will be delivered, the number of qualified candidates already exceeds the number of Board positions to be filled.
- d. **Acknowledgement of Nomination and Notice to Nominee.**
- i. **Acknowledgement of Nomination.** Within seven (7) business days of receiving a nomination, the Association must provide a written or electronic communication acknowledging the nomination to the Member who submitted the nomination.
 - ii. **Notice to Nominee.** Within seven (7) business days of receiving a nomination, the Association must provide a written or electronic communication to the nominee indicating either of the following:
 - A. The nominee is a qualified candidate for the Board of directors.
 - B. The nominee is not a qualified candidate for the Board of directors, the basis for the disqualification, and the procedure by which the nominee may appeal the disqualification (consistent with Civil Code Section 5900, et seq).
 - iii. **Combined Notice when Nominator and Nominee are Same Person.** The Association may combine the written or electronic communication described in subsections (a) and (b) above, into a single written or electronic communication if the nominee and the nominator are the same person.
- e. **Association Permits All Qualified Candidates to Run.** The Association must permit all candidates to run if nominated, except for nominees disqualified from running as specified these Election Rules and/or the Act. The Association may also disqualify a nominee if person served the maximum number of terms or sequential terms allowed by the Association.

- f. **Qualified Candidates Elected by Acclamation by Board Vote.** At an open Board meeting pursuant to Civil Code Section 4900, the agenda must include an item or items with the name of each qualified candidate that will be seated by acclamation, and thereafter the Board votes to consider the qualified candidate(s) elected by acclamation. If the Board does not vote the candidate(s) elected by acclamation, such candidate(s) will not be deemed elected to the Board.

4.7. Quorum.

- a. **Director Elections.** The Association's Bylaws at Section 5.05 provide that the quorum for member meetings is 51% of the Owners present in person or by proxy (and more than 50% for votes on approval of Special Assessments or increases in annual Assessments as required by law).

In the event the Association does meet the initial quorum requirement under its Governing Documents, the Association may adjourn the meeting where the ballots are scheduled to be opened and tabulated to a date at least twenty (20) days after the initial meeting date. The quorum at such meeting will be twenty percent (20%) of the voting Members present in person, by proxy, or by secret ballot received.

In the event the Association schedules an adjourned meeting as described above, no less than fifteen (15) days prior to the adjourned meeting date, the Association must provide general notice of the reconvened meeting to the members. Such notice must include the following:

- i. The date, time, and location of the meeting.
- ii. The list of all candidates.
- iii. A statement that twenty percent (20%) of the Association's members voting in person, by proxy or secret ballot will satisfy the quorum requirements for the election of directors at the reconvened meeting and that the ballots will be counted if a quorum is reached.

If the Association's Bylaws are amended after adoption of these Election Rules to modify or eliminate Director election quorum requirements or annual meeting quorum requirements, the Association's Bylaws shall control.

- b. **Assessment Increases Requiring Membership Approval.** Civil Code Section 5605 provides that assessment increases that require Member approval of a majority of a quorum of Members. The quorum for assessment increases is more than fifty percent (50%) of the members.
- c. **Ballots Received Used to Establish Quorum.** Each ballot received by the inspector of election shall be treated as if the Member is present at the meeting for purposes of establishing a quorum.

- 4.8. **Electronic Voting.** Except for elections regarding regular or special assessments, the Association is authorized to utilize an inspector or inspectors of elections to conduct an election by electronic secret ballot. As used herein, the term, "electronic secret ballot" means a ballot conducted by an electronic voting system that ensures the secrecy and integrity of a ballot pursuant to the requirements of Civil Code Section 5105.

- a. **Member Voting Preference.** If an election is conducted by secret electronic ballot, all Members with an email address on file with the Association will receive a secret electronic ballot.

1. Changing Voting Preference. Members are permitted to change their preferred method of voting from electronic secret ballot to written ballot as specified herein.
 - A. At least thirty (30) days before the deadline to opt-out of voting by electronic secret ballot, the Association must send individual notice to all Members of all of the following:
 - i. The Member's current voting method.
 - ii. If the Member's voting method is by electronic secret ballot and the Association has an email address for the Member, the email address of the Member that will be used for voting by electronic secret ballot.
 - iii. An explanation that the Member is required to opt out of voting by electronic secret ballot if the Member elects to vote by written secret ballot.
 - iv. An explanation of how a Member may opt out of voting by electronic secret ballot.
 - v. The deadline by which the Member is required to opt out of voting by electronic secret ballot if the Member elects to exercise that right.
 - B. Any change in voting preference must be delivered to the Association in writing at least ninety (90) days before an election.
 - C. The Association will only be required to mail written ballots to Members that have opted out of voting by electronic secret ballot or for whom the Association does not have an email address.
 - D. The procedures for opt out of voting by electronic secret ballot must be included in the Association's annual statement prepared pursuant to Civil Code Section 5310.
- b. Member Voting Preference List. The Association will maintain a voting list identifying which Members will vote by electronic secret ballot and which Members will vote by written ballot.
- c. Valid Member Email Address. A Member who votes by electronic secret ballot must provide a valid email address to the Association. If the Association does not have a Member's email address required to vote by electronic secret ballot by the time at which ballots are to be distributed, the Association shall send the Member a written secret ballot.
- d. Same Content on Electronic Secret Ballot and Written Ballot. Electronic secret ballots and written ballots must contain the same list of items being voted on.
- e. Nominations from the Floor/Write-In Candidates. Nominations from the floor and write-in candidates are prohibited.
- f. Electronic Secret Ballot Sent with Electronic Individual Notice. An electronic secret ballot may be accompanied by or contained in an electronic individual notice.
- g. Individual Notice of Electronic Secret Ballot. The Association shall deliver individual notice of the electronic secret ballot to each member at least thirty (30) days before the election and shall contain instructions on both of the following:
 1. How to obtain access to that internet-based voting system.

2. How to vote by electronic secret ballot.

Delivery of the individual notice described in this subsection(g) may be accomplished by electronic submission to an address, location, or system designated by the Member.

- h. **Transmission of Electronic Secret Ballot.** A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by an inspector or inspectors of elections. A vote made by electronic secret ballot shall not be revoked.
- i. **Quorum for Secret Electronic Voting** For purposes of determining a quorum, a member voting electronically pursuant to this subdivision shall be counted as a Member in attendance at the meeting. Once the quorum is established, a substantive vote of the Members shall not be taken on any issue other than the issues specifically identified in the electronic vote.
- j. **Elections to Approve Amendment to Governing Documents.** If the Association conducts an election to approve an amendment of Governing Documents by electronic secret ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those Members who vote by electronic secret ballot. The Association will also deliver a written copy of the text of the proposed amendment to any Member upon request and without charge. If a Member votes by written secret ballot, the Association shall deliver a written copy of the text of the proposed amendment to the Member with the ballot.

4.9. **Conduct of Election.** Except for the meeting to count the votes, an election may be conducted entirely by mail, electronic secret ballot, or a combination of mail and electronic secret ballot, pursuant to Civil Code Section 5105.

ARTICLE V: CAMPAIGNING

5.1 Access to Media.

a. **Use of Association Resources.**

- i. **Common Area Bulletin Boards/Kiosks.** Subject to availability and authorization by the Board, each Member may post information about the election in a reasonable size and quantity on a Common Area bulletin board or kiosk, for a reasonable period of time, at no cost to the Member.
- ii. **Association Media.** If any Member is provided access to Association newsletters, website, or other Association media during an election, or given permission to post campaign material in the Common Area for purposes that are reasonably related to that election, then equal access shall be provided to all Members. The access shall be limited to information relating to that election and shall include those Members advocating a point of view, including those not endorsed by the Board. The Association shall not edit or redact any content from these communications but may include a statement specifying that the Member, and not the Association, is responsible for that content. The Association and its Directors, officers, and agents shall be immune from liability for the content of those communications to the fullest extent provided by law.
- iii. **Membership List.** Members have the right to request the Association's membership list for the purposes of distributing, at their own expense, materials which advocate a point of view reasonably related to the election. Members also have the right to contact Members who have opted out of the membership list through the alternate means of communication permitted under Civil Code section 5220 for the purposes of distributing, at their own expense, materials which advocate a point of view reasonably related to the election.

5.2 Use of Common Area During Election Campaign.

- a. **Purpose.** Each Member shall be allowed to use, if any exists, the Association's Common Area meeting space at no cost for purposes relating to an election, including to advocate a point of view reasonably related to the election, as well as for other peaceful assemblies or meetings. (Civ. Code, §§ 5105(a)(2); 4515.)
- b. **Reservation.** Each Member who wants to use the Common Area for the above purposes must make a reservation in advance of the date and time requested. Reservations will be granted on a first-come, first-served basis. To assure fairness, each Member may not reserve or use the Common Area meeting space for more than two (2) hours on any particular date.
- c. **Procedural Rules.** The Board may adopt additional rules to assure the orderly use of any Common Area meeting space.

5.3 No Use of Association Funds for Campaign Purposes. Association funds may not be used for campaign purposes in connection with any election except to the extent necessary to comply with applicable law. The Association shall not include the photograph or prominently feature the name of any candidate on a communication from the Association or its Board, excepting the ballot, ballot materials or communication that is legally required, within thirty (30) days of an election. This restriction does not preclude a Director from personally advocating the election or defeat of any issue or candidate on the ballot, however he or she may not use Association funds to do so. (Civ. Code, § 5135.)

5.4 Improper Electioneering.

- a. **Prohibited Activities.** In addition to any of the prohibitions in these rules, Members, their families, tenants, employees, agents, visitors, licensees, or servants are prohibited from engaging in any of the following activities:
 - i. Causing any printed campaign or other election related materials to be placed upon or affixed to any portion of the Common Area without prior written authorization from the Board or management;
 - ii. Attempting to solicit either a vote or proxy from another Member through deceit, harassment, intimidation, improper influence, undue coercion, or force;
 - iii. Attempting to prevent a Member from casting a vote or delegating their right to vote via proxy through deceit, harassment, intimidation, improper influence, undue coercion, or force;
 - iv. Interfering with the counting or tallying of votes;
 - v. Inducing other Members to divert ballots away from the inspector of election; or
 - vi. Interfering with any Member's ability to distribute authorized campaign materials.
- b. **Report Violations.** Members are encouraged to report any electioneering violations they witness to the Board or management.
- c. **Fines.** The Board may levy a fine of \$100 for each violation of this section after proper notice and hearing.

ARTICLE VI: CANVASSING AND PETITIONING

6.1 Generally. Canvassing and petitioning Members and residents for any election or purposes permitted in Civil Code section 4515 (i.e., peaceful assembly to discuss social, political, or educational matters related to the community or matters of public interest) by telephone and/or personal visits to private residences in the development is limited to the hours of 9:00 a.m. until 6:00 p.m. However, any Member or resident who declines to be contacted must not be contacted by telephone or personal visits thereafter.

6.2 Impermissible Conduct. Nothing in this section shall be deemed to permit a Member or resident to contact another Member or resident in a manner that constitutes a breach of the Member's or resident's quiet enjoyment, a nuisance or both.

ARTICLE VII: ELECTION RESULTS

7.1 Election by Acclamation. Election by acclamation is permitted as set forth above in Section 4.6.

7.2 Elected Candidates. The candidates receiving the highest number of votes, up to the number of vacancies to be filled in a Director election, shall be elected as Directors and shall take office immediately following the election.

7.3 Breaking a Tie. In the event of a tie leaving the outcome of the election unresolved, the following will apply:

- a. If requested by any Member, the inspector of election will conduct a recount of the ballots. If there is a charge, the Association will bear the expense. Members may observe the recount under the same conditions as the original ballot counting.
- b. Following the recount, if the tie remains, all other newly elected Directors will begin serving their terms. An incumbent Director whose seat was tied shall continue in office until a runoff election determines the winner for his or her seat. Only those candidates who tied for the seat shall be in the runoff.
- c. In lieu of a runoff and if the tied candidates agree, the winner may be decided by a coin toss or the drawing of names by the inspector of elections.

7.4 Results of an Election. The tabulated results of the election will be announced immediately after all the ballots have been counted and reported to the Board. The Board shall record the results of the election in the minutes of the next Board meeting. Within fifteen (15) days of the election, the Board will publicize the tabulated results of the election in a communication to all Members.

7.5 Status of the Ballots after Election. The sealed ballots will be in the custody of the inspector of election or at a location designated by the inspector until after the tabulation of the vote and until one (1) year for challenging the election has expired, at which time custody will be transferred to the Association.

7.6 Election Recount. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by Members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

ARTICLE VIII: CONFLICT WITH GOVERNING DOCUMENTS

8.1 To the extent of any conflict between the provisions of these Election Rules and the provisions set forth in other Governing Documents, the provisions of these Election Rules shall control to the extent that they were adopted to comply with the requirements of applicable law.