

MISSION ROYALE HOMEOWNERS ASSOCIATION

ELECTION RULES [Adopted: April 1, 2025]

The following Election Rules for Mission Royale Homeowners Association (“Association”) are adopted pursuant to the Davis-Stirling Common Interest Development Act (Civ. Code, § 4000 *et seq.*) (the “Act”) and in accordance with the Association’s authority under its Governing Documents. Unless otherwise indicated, all terms used herein 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 requiring a vote of the Members, 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 and supersede any provisions in the Governing Documents that are inconsistent with or contradict the Act.

ARTICLE I: DIRECTOR NOMINEE AND DIRECTOR QUALIFICATIONS

1.1. Director Nominee Disqualification.

a. Disqualification of Non-Members. A nominee must be disqualified for nomination to the Board if the nominee is not a Member of the Association at the time of their nomination, except if such nominee is:

1. Developer. A non-member candidate appointed and designated by a developer consistent with the voting power of the developer as set forth in the regulations of the Department of Real Estate and the Association’s Governing Documents; or

2. Legal Entity. Appointed by a legal entity that is not a natural person to be a member for purposes of nomination to the Board. A legal entity that is not a natural person may designate one (1) Person to stand for election to the Board on its behalf. If elected, the directorship shall be specific to the Person designated and elected to the Board and cannot be transferred to another Person.

b. Disqualification for Serving Maximum Number of Terms Permitted. The Association must disqualify a nominee if that person has served the maximum number of terms or sequential terms allowed by the Association.

c. Disqualification after Internal Dispute Resolution. No Person shall be disqualified from nomination to the Board unless such Person has been provided with opportunity to engage in internal dispute resolution pursuant to Civil Code §5900, *et seq.* Thereafter, the Association may disqualify a nominee when:

1. Co-Owners Eligible for Only One Position. The Person, if elected, would be serving on the Board with the co-owner of his/her a Separate Interest.

2. Current on Assessments. The Person is delinquent in the payment of any assessments (including assessments for reimbursement to the Association but not assessments that are for fines only) and has not paid the assessment under protest pursuant to Civil Code §5658 or entered into a

payment plan pursuant to Civil Code §5665. 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.

3. 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.

4. Failure to Comply with Governing Documents. Except as specified herein or by law, the Person fails to comply with the Association’s Governing Documents after the Person has been provided notice of such violation and reasonable opportunity to correct such violation.

5. Failure to Comply with State or Federal Filing Requirements. The Person, if elected, does not agree to or fails to provide the Association with information necessary to comply with State or Federal filing requirements (including but not limited to the Corporate Transparency Act (CTA), if required).

1.2. Director Qualifications.

a. Directors must meet the qualifications set forth in the Governing Documents and these Election Rules in order to serve on the Board. Any Director that does not meet the qualifications specified in Section 1.1(b) must be notified in writing of the potential disqualification and provided with the opportunity to engage in internal dispute resolution pursuant to Civil Code §5900, *et seq.* Thereafter, the Director may be deemed disqualified and will no longer serve on the Board upon written notice to the Director which must state the reason(s) for the disqualification.

b. A director who ceases to be a member shall be disqualified from continuing to serve as a director. Such disqualification shall be immediate after the director ceases to be a member and no internal dispute resolution is required.

ARTICLE II: ELECTIONS BY ACCLAMATION

2.1. 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.

2.2. 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.

2.3. Individual Notice to Members of Election and Nomination Procedures. The Association must provide Individual Notice of the election and candidate nomination procedures as follows:

a. Initial Notice. An initial notice must be delivered to the Members at least 90 days before the deadline for submitting nominations (“Initial Notice”). The Initial Notice must include all of the following:

1. The number of board positions that will be filled at the election.
2. The deadline for submitting nominations.
3. The manner in which nominations can be submitted.

4. 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.

b. Reminder Notice. A reminder notice must be delivered to the Members between 7 and 30 days before the deadline for submitting nominations (“Reminder Notice”). The Reminder Notice must include all of the following:

1. The number of board positions that will be filled at the election.
2. The deadline for submitting nominations.
3. The manner in which nominations can be submitted.

4. A list of the names of all of the qualified candidates to fill the board positions as of the date of the Reminder Notice.

5. 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 is delivered, the number of qualified candidates already exceeds the number of board positions to be filled.

2.4. Acknowledgement of Nomination and Notice to Nominee.

a. Acknowledgement of Nomination. Within 7 business days of receiving a nomination, the Association must provide written or electronic communication acknowledging the nomination to the Member who submitted the nomination.

b. Notice to Nominee. Within 7 business days of receiving a nomination, the Association must provide written or electronic communication to the nominee indicating either of the following:

1. The nominee is a qualified candidate for the board of directors.

2. 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*).

c. **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.

2.5. 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 by these Election Rules and/or the Act. The Association may also disqualify a nominee if person has served the maximum number of terms or sequential terms allowed by the Association.

2.6. 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, 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 will not be deemed elected to the Board.

ARTICLE III: NOMINATIONS

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

3.2. Nominating Committee. If required by the bylaws, the Board shall timely appoint a Nominating Committee to make as many nominations for election to the Board as the Nominating Committee shall in its discretion determine. If no separate nominating committee is appointed, the Board shall serve as the nominating committee.

3.3. Self-Nomination. Any Member meeting the qualifications set forth in these Rules may nominate themselves 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 will be included on the ballot for election of Directors unless otherwise disqualified as specified in these Election Rules.

3.4. Write-Ins/Floor Nominations. The ballot form may, but is not required to, provide a space where a Member can designate a vote for a nominee not listed on the ballot (i.e. write-in candidate). A vote by a majority of the Board prior to distribution of the ballots will determine whether a space for write-in candidates will be included on the ballot. In the absence of such vote, write-in candidates are not allowed.

3.5. Candidate Registration List. The Association shall maintain a candidate registration list specifying all candidates' names that will appear on the ballot. 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.

3.6. Notice of Nomination 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 only if individual notice is requested by the Member.

b. **Delivery.** Notice of nomination procedures and deadlines shall be given either by General Notice pursuant to Civil Code Section 4045 for Members who have not requested Individual Notice, or by Individual Notice pursuant to Civil Code Section 4040 for any Member that has requested to receive notices from the Association by individual delivery.

ARTICLE IV: INSPECTOR OF ELECTIONS

4.1. Selection.

a. **Process.** Prior to the date ballots are first sent out, 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:

1. **Poll Worker.** A volunteer poll worker with the county registrar of voters;
2. **Accountant.** A licensee of the California Board of Accountancy;
3. **Notary Public.** A notary public;
4. **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;
5. **Independent Third-Party Inspector of Election.** An independent third-party Person.

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

a. **Voter List.** The Association shall maintain a voter list as specified in these Election Rules. The Association's Members are permitted to report errors or omissions to such list. In the event an error or omission is discovered, the Association or Member shall report such errors or omissions to the inspector of elections who shall make the corrections within two (2) business days. 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.

b. **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.

c. Membership. Determine the number of memberships entitled to vote and the voting power of each.

d. Receive Ballots. Receive all ballots. Once received by an inspector of election, ballots are irrevocable. A 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 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 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 ballots are scheduled to be opened and tabulated by the inspector of election(s).

e. Count Ballots. Count and tabulate all votes. All votes will be counted and tabulated by an inspector of election or his/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/her assistants. The inspector of election may appoint and oversee additional Persons to count and tabulate votes, as the inspector of election deems appropriate, provided that such Persons are independent third parties and would not be otherwise disqualified from serving as inspector of elections.

f. Appoint Assistants. Appoint and oversee additional Persons to verify signatures, or perform tasks as deemed necessary by the inspector of elections.

g. Results. Determine the tabulated results of the election and report such results to the Board.

h. Custody. 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.

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.

Following the election, the inspector of election shall maintain custody of the ballots, signed outer envelopes, voter list, proxies and candidate registration list (“election materials”) at all times. The election materials 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. Unless

otherwise specified by the inspector of election, the Association's manager's office will be the place designated for storing the election materials. During the period of time when the election materials are in the custody of the inspector of elections, the elections materials must not be accessed or viewed without the consent of the inspector of elections.

i. Recount. Recount the ballots. Any request for a recount must be submitted in writing within 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 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 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 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.

j. Other Challenges. Hear and determine all challenges and questions in any way arising out of or in connection with the election and the right to vote. If there is a challenge to the election process, the inspector will make the ballots available for inspection and review upon written request. Such written request must state the reason for the challenge and reason for reviewing the ballots. A Member may authorize a representative to review the ballots on his or her behalf. Any costs associated with reviewing the ballots must be paid by the requesting Member(s) before the ballots are made available for review.

k. Impartiality. Perform his/her duties impartially, in good faith, to the best of his/her ability, and as expeditiously as is practical in a manner that protects the interest of all Members of the Association.

l. 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 (3) 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.

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

4.4. 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,

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

1. A method to authenticate the member's identity to the internet-based voting system.

2. A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.

3. A method to confirm, at least 30 days before the voting deadline, that the member's electronic device can successfully communicate with the internet-based voting system.

b. Any internet-based voting system that is utilized shall have the ability to accomplish all of the following:

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

ARTICLE V: BALLOTS; PROXIES

5.1. Record Date for Ballot Distribution. The record date for distribution of the ballots will be the day the first written ballot is mailed.

5.2. Secret Ballots. All secret ballots mailed or otherwise delivered to the membership will include a double-envelope system 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. However, if the Association conducts an election by electronic secret ballot as provided for in Civil Code Section 5105, only members who will vote by written secret ballot pursuant to Civil Code Section 5105 shall be mailed or delivered the ballots and envelopes.

a. Content of Ballots.

1. For Director elections, the ballot will contain the list of candidates whose names were submitted for nomination pursuant to these Election Rules, and the number of Directors to be elected.
2. For the amendment or restatement of Governing Documents, the ballot will be accompanied by the text of the proposed amendment.
3. 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 at the discretion of the Board.

b. Signature on Ballots. The ballots do not require a signature; however, ballots signed by Members remain valid.

c. Inner Envelope. The Association will provide two (2) envelopes. To preserve secrecy, the ballot is placed within an inner envelope. There shall be no identifying information on the inner envelope. 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/her name and indicate (print, type, etc.) his/her name and onsite property address. The outer envelope must be addressed to the inspector of election. Failure to include this information on the outer envelope may render the ballot invalid.

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.

5.3. Deadline for Return of Ballots. The deadline for return of the ballots shall be at least thirty (30) days after distribution of the ballots to the Members, but the Board may authorize a longer time period for Ballot return.

5.4. Proxies. Proxies are only permitted as specified in the Association's Bylaws. Any instruction given in a proxy issued for an election that directs the manner in which the proxy holder is to cast the vote shall be set forth on a separate page of the proxy so that it can be detached and given to the proxy holder to retain. The proxy holder must exchange the proxy for a secret ballot and cast the Member's vote by secret ballot, unless the proxy is revoked by the Member prior to the receipt of the Ballot by the Inspector of Elections. Proxies must not be used in lieu of Ballots. Proxy holders must be members of the Association.

ARTICLE VI: VOTING PROCEDURE & VOTING

6.1. Notice of Voting Procedure.

a. Notice of Nomination Deadline. For elections of directors and for recall elections, the Association must provide General Notice of the procedure and deadline for submitting a nomination at least 30 days before any deadline for submitting a nomination. Individual notice shall be delivered pursuant to Section 4040 if individual notice is requested by a member.

b. Pre-Ballot 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 30 days before the ballots are distributed:

1. The date and time by which, and the physical address where ballots are to be returned by mail or handed to the inspector or inspectors of elections.

2. 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.

3. The date, time, and location of the meeting at which a quorum will be determined, if the association's governing documents require a quorum, and at which ballots will be counted.

4. The list of all candidates' names that will appear on the ballot (i.e. candidate registration list).

5. If the Association's governing documents require a quorum for an election of directors, a statement that the board of directors may call a subsequent meeting at least 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 20% of the association's members voting in person, by proxy, or by secret ballot.

6.2. Voter List. The Association shall maintain a voter list which shall include name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used.

The Association shall permit members to verify the accuracy of their individual information on such lists at least thirty (30) days before the ballots are distributed. The Association or Member shall report any errors or omissions to the list to the inspector or inspectors 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 voter list on behalf of the inspector of elections and provide such updated voter list to the inspector of elections when requested by the inspector of elections or at the time the ballots are counted and tabulated.

6.3. Voting Rights.

a. Number of Votes. Each Member is entitled to one (1) vote per separate interest owned.

b. Proof of Membership. Except as provided in this subsection, no Person shall vote in any Association election if they are not a Member of the Association. 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.

c. 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.

d. General Power of Attorney. The holder of a general power of attorney for a Member will not be denied a ballot and may exercise that Member's right to vote consistent with the terms of these Election Rules. The ballot of a Person with general power of attorney for a Member will be counted if returned in a timely manner.

e. 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 (1) co-owner shall be entitled to exercise the vote of the Separate Interest.

f. Voting Period for Elections. The voting period for elections will begin when ballots are distributed and at least 30 days before the date to open and tabulate ballots. The polls will close at the time specified on the ballot.

6.4. Cumulative Voting. Pursuant to the Association's Bylaws at 5.2, cumulative voting is permitted. Cumulative voting is permitted under the following circumstances.

a. In any election of the Board in which two (2) or more positions on the Board are to be filled, every Owner entitled to vote in such election will have the right to cumulate his/her votes. The number of votes permitted in cumulative voting will be equal to the number of directors to be elected

multiplied by the number of votes to which such member is otherwise entitled. Each member shall exercise his/her cumulative voting rights by either: (1) allocating all of their votes to one (1) candidate; or (2) dividing their votes among any number of candidates.

b. No Member shall be entitled to cumulate votes for a candidate unless the candidate or candidates' name(s) have been placed in nomination on or before the nomination deadline.

c. The Davis-Stirling Act requires the inclusion of cumulative voting on ballots if permitted in an Association's governing documents. (Civ. Code § 5115(e).) Notice must be given to the membership of their right to cumulate their votes. To satisfy the requirement, notice to cumulate votes will be given in the voting instructions when ballots are distributed to the membership.

If the Association's Bylaws are amended after adoption of these Election Rules to eliminate cumulative voting requirements, the Association's Bylaws shall control.

6.5. Quorum.

a. Director Elections. The Association's Bylaws at 4.3 provide that Directors shall be elected at each annual meeting. The Association's Bylaws at 3.4 provide that the quorum for the annual meeting is a majority plus one (1) of the total voting power of the Association.

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 20 days after the initial meeting date. The quorum at such meeting will be 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 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:

1. The date, time, and location of the meeting.
2. The list of all candidates.
3. A statement that 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.

6.6. 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 (4) years. As used herein the term "conduct an election" means sending out ballots and conducting an election as described in these Rules.

6.7. Counting and Tabulating the Votes. All votes will be counted and tabulated by the inspector or inspectors of elections, or the designee of the inspector of elections, in public at a properly noticed open meeting of the board or members. Any candidate or other member of the association may witness the counting and tabulation of the votes. 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.

6.8. 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 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 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 in any director election using electronic secret ballots.

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 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.

6.9. 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 VII: CAMPAIGNING; CANVASSING & PETITIONING

7.1. Access to Media.

a. Access to All Candidates and Members. All candidates for the position of director and any Member advocating a point of view relating to a particular election shall have equal access to Association media, newsletters and Internet websites during a campaign for purposes that are reasonably related to the campaign. If one (1) candidate or Member is offered use of public media available to the Association (i.e. email, mailings, website, etc.) then all candidates or Members will be offered use of the public media for the purpose of campaigning or expressing their opinion on an item that requires membership approval (barring duplicate information), as long as the candidate or Member uses appropriate language. Appropriate Language shall be defined as not slanderous, not offensive and no use of profanity.

b. Party Responsible for Content. All publicly published statements require the identity of the author. Anonymous statements will not be permitted. The Association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or Member, and not the Association, is responsible for that content.

c. Limitation on Length of Statements. The Board shall not be required to publish any statement over 200 words.

7.2. Common Area Meeting Space.

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.

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.

d. Limited to Meeting Space Only. Unless specifically required by law, a Member's right to common area meeting facilities does not include the right to post information about the election on a Common Area bulletin board or kiosk.

7.3. No Use of Association Funds for Campaign Purposes. Association funds shall not be used for campaign purposes in connection with any Association election except to the extent necessary to comply with duties of the Association imposed by law. As used in this section, "campaign purposes" includes, but is not limited to, the following: (a) expressly advocating the election or defeat of any candidate that is on the Ballot; (b) including the photograph or prominently featuring the name of any candidate on a communication from the association or its board.

7.4. Canvassing and Petitioning. 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.

7.5 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 Members' or residents' quiet enjoyment, a nuisance or both.

ARTICLE VIII: ELECTION RESULTS

8.1. 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.

8.2. Breaking a Tie. In the event of a tie leaving the outcome of the election unresolved, the election will be decided by a tiebreaking mechanism (i.e. coin flip or drawing names) as determined by the inspector of elections.

8.3. 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 by General Notice.

8.4. 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. Unless otherwise designated by the inspector of elections, the Association's manager shall retain custody of the ballots and election materials in a safe and secure location.

8.5. Election Recount. In the event of a recount or other challenge to the election process, the Inspector of Election shall, upon written request, make the ballots available for inspection and review by Members or their authorized representatives. The Inspector of Election must be present during the inspection and review of the ballots to ensure that they are not tampered with and to ensure the confidentiality of the vote. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote as determined by the Inspector of Election. Any costs associated with a recount or other election challenge shall be borne by the party challenging the election results.

ARTICLE VIII: CONFLICT WITH GOVERNING DOCUMENTS

8.1. Unless otherwise specified herein, the provisions of these Election Rules shall control over provisions in the Association's Governing Documents to the extent that these were adopted to comply with the requirements of applicable law.