

WHITEHAWK AT PALM DESERT HOMEOWNERS ASSOCIATION

Election Rules

Adopted in Accordance with Civil Code § 5100, et seq.

Adoption Date: _____

1. Access to Association media: If any candidate or member advocating a point of view is provided access to Association media, newsletters, or internet web sites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and members advocating a point of view, including those not endorsed by the Board of Directors, for purposes that are reasonably related to the election. 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.
2. Access to common area meeting space: Any common area meeting space, if such space exists, may be accessed during a campaign, at no cost, by all candidates, including those who are not incumbents, and by all members advocating a point of view, including those not endorsed by the Board of Directors, for purposes reasonably related to the election.
3. Qualifications of candidates for the Board of Directors: In order to run for the Board of Directors, the individual must be a member of the Association. Additionally, in order to run for the Board of Directors, the individual must satisfy all of the following:
 - a) Have been a member of the Association for at least one year as of the time nominations are due.
 - b) Subject to the requirements of the law or the governing documents, be either current in the payment of regular and special assessments, have paid all currently-due regular and special assessments under protest, or be in a payment plan to bring all regular and special assessments current.
 - c) Be the only member of his/her separate interest running for election to the Board of Directors and/or serving on the Board of Directors.
 - d) Not have a past criminal conviction that would either prevent the Association from purchasing the fidelity bond coverage required by Civil Code Section 5806 should the person be elected or terminate the Association's existing fidelity bond coverage as to that person should the person be elected.

All qualifications shall apply to Directors as well as candidates.

4. Procedures for nomination of candidates for the Board of Directors: Any member may nominate himself or herself as a candidate for the Board of Directors if that member is otherwise qualified by submitting a written statement to the Association nominating himself or herself at least thirty days prior to when the election materials are prepared for distribution to the members. The Association or the inspector of elections must provide notice to the members of the opportunity to self-nominate at least thirty days before the deadline for the receipt of the written statement containing the self-nomination. Nominations may also be made by a nominating committee in accordance with the Association's Bylaws.

5. Voting rights: All members as of the record date of the election are qualified to vote. A member may not be denied a ballot for any reason other than not being a member at the time when ballots are distributed. A person with a general power of attorney for a member may not be denied a ballot on behalf of that member, and the ballot of a person with a general power of attorney for a member must be counted on behalf of that member if returned in a timely manner.

6. Voting power: Each membership (defined as a single separate interest within the Association, regardless of the number of co-owners) is entitled to one vote. In the event more than one ballot is cast for a particular separate interest, the inspector(s) of election may count only one ballot, and the inspector(s) shall have the discretion to determine which ballot to count. Cumulative voting is permitted.

7. Voting period: The voting period for member elections shall commence when the ballot and any other election materials are distributed to the members of the Association and shall close at the election's member meeting at the time determined by the inspector(s) of elections. At least thirty days before an election, the inspector(s) of elections must deliver, or cause to be delivered, to each member the ballot or ballots and a copy of these Election Rules. These Election Rules may be delivered by either posting them to an internet website and including the corresponding internet website address on the ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here," or by individual delivery.

8. Candidate registration list and voter list: The Association or the inspector(s) of elections must retain, as association election materials (as defined in Civil Code section 5200), both a candidate registration list and a voter list. The voter list 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 both lists at least thirty (30) days before the ballots are distributed. The Association or member shall report any errors or omissions to either list to the inspector(s) of elections who shall make the corrections within two business days.

The Association shall also maintain a voting list identifying which members will vote by electronic secret ballot and which members will vote by written ballot.

9. Validity of proxies: Proxies may be used only to the extent permitted by the Association's Bylaws and only in compliance with the requirements of the Bylaws. To the extent proxies are authorized for an election in accordance with the Bylaws, a proxy is only valid, and may only be counted, if it complies with the Bylaws and if: 1) it identifies a proxyholder authorized to exercise the proxy who physically attends the meeting for which the proxy is being utilized; 2) it contains voting instructions; 3) it is signed by the member giving the proxy; 4) to the extent it contains an instruction for an election that directs the manner in which the proxyholder is to cast the vote, the instruction must be set forth on a separate page of the proxy that can be detached and given to the proxyholder to retain; and 5) it has not been revoked by the member prior to the receipt of the proxy by the Association. A proxyholder must cast the member's vote by secret ballot. To the extent a member casts a vote by a ballot and delivers that ballot to the Association's inspector(s) of elections, the act of delivering the ballot shall

automatically revoke any proxy granted by that member for any subject on that ballot, and only the ballot's selections shall be counted for that member, with the ballot prevailing over the proxy's directions and the proxyholder's selections.

10. Irrevocability of a ballot: Once a ballot has been received by the inspector(s) of elections (or received at the location designated by the inspector(s)), it shall be irrevocable. 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.

11. Electronic Voting: The Association may utilize an inspector or inspectors of elections, as specified, to conduct an election by electronic secret ballot, as defined, except as specified, and notwithstanding the Association's governing documents. An electronic secret ballot and a written ballot must contain the same list of items being voted on.

12. Electronic Voting Eligibility and Opt Out: 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.

A Member may change their preferred method of voting from electronic secret ballot to written ballot or written ballot to electronic secret ballot no later than 90 days before an election. The Association shall mail a written ballot only to a member who has opted out of voting by electronic secret ballot or for whom the association does not have an email address required to vote by electronic secret ballot. Unless a Member opts out, the Association is required to send an electronic secret ballot to all members. Any Member that does not opt out, shall provide an email address to the Association.

13. Inspector(s) of elections: The Board of Directors shall appoint one or three independent third party inspector(s) of elections. Inspector(s) of elections may not be a member of the Board of Directors, a candidate for the Board of Directors, related to a member of the Board of Directors and/or related to a candidate for the Board of Directors. If there are three inspectors of elections, the decision or act of the majority shall be effective in all respects as the decision or act of all. The inspector(s) may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspector(s) deem appropriate, provided that the persons so appointed are independent third parties.

If the inspector or inspectors of elections conducts an election by electronic secret ballot, each Member voting by electronic secret ballot shall be provided with all of the following:

- (i) A method to authenticate the member's identity to the internet-based voting system.
- (ii) A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.
- (iii) 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.

14. Authority and duties of the inspector(s) of elections: The inspector(s) of elections shall perform do all obligations of the inspector(s) of elections set forth in the Davis-Stirling Act, the Corporations Code, and the Association's Governing Documents.

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

(i) Authenticate the Member's identity.

(ii) Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.

(iii) Transmit a receipt from the internet-based voting system to each member who casts an electronic secret ballot.

(iv) Permanently separate any authenticating or identifying information from the electronic secret ballot, rendering it impossible to connect an election ballot to a specific member.

(v) Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

15. Election Procedures & Timeline Exhibit: Subject to modification and control by the inspector(s) of elections, and subject to compliance with the law and other governing documents, elections shall proceed in accordance with the Election Procedures & Timeline attached hereto as Exhibit A.

16. Quorum: A Member voting electronically 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.

17. Tally Sheet: A person, including a Member of the Association or an employee of the management company, shall not open or otherwise review any tally sheet of votes cast by electronic secret ballots before the time and place at which the ballots are counted and tabulated.

18. Document authority: Upon these Election Rules being adopted by the Board of Directors, these Election Rules shall be the sole Election Rules for the Association. Any prior versions of the Association's election rules are repealed their entirety.