

The Elmwood Manor Homeowners Association

Election Rules

These Election Rules for The Elmwood Manor Homeowners Association ("Association") are adopted per Civil Code Section 5105 and the Association's authority under its governing documents. These Election Rules shall be effective on the date of adoption by the Board of Directors (the "Board") and shall supersede and replace any other rules of the Association affecting voting or elections.

ARTICLE 1 APPLICABILITY OF ELECTION RULES

In accordance with Civil Code sections 5100 and 5105, these Election Rules shall apply to any Member vote regarding assessments legally requiring Member approval, election and removal of directors, amendments to the governing documents requiring Member approval, and the grant of exclusive use of common area pursuant to Civil Code Section 4600. For votes on any other matter, the Association may conduct the vote by any method permitted under state law and consistent with the Association's Bylaws.

ARTICLE 2 INSPECTOR OF ELECTIONS

2.1 Appointment and Replacement of Inspector of Elections. Whenever a Membership vote or election subject to these Election Rules is conducted, the Board shall appoint one (1) or three (3) Inspectors of Elections ("Inspector of Elections"), including where a vote will be conducted by electronic secret ballot. The Board shall have the power to remove any Inspector of Elections who ceases to meet the required qualifications, is unable or unwilling to perform their duties, or for other good reason, and to appoint a new Inspector of Elections in their place.

2.2 Qualification of Inspector of Elections. The Inspector of Elections may be any person(s) the Board reasonably believes to be independent with respect to the matter or matters being voted on and may include Members of the Association, but may not be (i) a Member of the Board or a candidate for election to the Board or be related to a current Member of the Board or a candidate for election to the Board or (ii) the Association's manager, accountant, legal counsel, or any other person, business entity, or subdivision of a business entity that is, at the time of performing the inspection services, either employed by or under contract with the Association to provide compensable services to it other than serving as Inspector of Elections. In the event the Board determines a vote will be conducted using the electronic voting rules herein, the Inspector of Elections appointed by the Board shall have the technical capability to comply with the electronic voting rules and procedures.

2.3 Payment to Inspector of Elections. The Board may authorize payment of Association funds to any third party appointed to serve as Inspector of Elections; however, no payment may be authorized for any Member appointed to serve as the Inspector of Elections except for reimbursement of reasonable costs incurred for materials, copying, postage, and similar charges, if any, and following prompt production of receipts.

2.4 Duties of the Inspector of Elections. The Inspector of Elections shall be responsible to perform their duties as follows:

- 2.4.1 Determine the number of memberships entitled to vote and the voting power of each;
- 2.4.2 Determine the authenticity, validity, and effect of proxies, if any.
- 2.4.3 Receive ballots.

- 2.4.4 Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
- 2.4.5 Count and tabulate all votes.
- 2.4.6 Determine when the polls shall close, consistent with the governing documents.
- 2.4.7 Determine the tabulated results of the election.
- 2.4.8 Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with state law and these Election Rules.
- 2.4.9 Ensure compliance with Civil Code section 5110(c)(4) in the case of an electronic secret ballot vote; and
- 2.4.10 Perform all duties impartially, in good faith, to the best of the Inspector of Election's ability, as expeditiously as is practical, and in a manner that protects the interest of all Members of the Association; and
- 2.4.11 Make any necessary corrections to the Candidate Registration List or the Voter List within two business days of being informed of an error by a Member or by the Association; and
- 2.4.12 In a written secret ballot election (i.e., not an electronic secret ballot election), deliver or cause to be delivered the following documents to the Members at least thirty (30) days before an election: (a) the ballot(s) by first-class mail and (b) a copy of these Election Rules by (i) individual delivery or (ii) by posting on the ballot the internet website address where these Election Rules may be accessed together with the phrase in at least 12-point font, "The rules governing this election may be found here: *[insert internet website address]*"; and
- 2.4.13 Appoint and oversee additional independent third parties to verify signatures, and to count and tabulate votes as the Inspector of Elections deems appropriate provided that such persons meet the qualifications of an independent third party.
- 2.4.14 Retain association election materials as provided herein.

2.5 Indemnification of Inspector of Elections; Liability Insurance. The Association may, at the Board's sole discretion, indemnify the Inspector of Elections to the fullest extent provided by law. The Association shall have the power, but not the obligation, to purchase and maintain insurance to protect it and/or the Inspector of Elections against any liability asserted against the Association and/or against the Inspector of Elections arising out of the Inspector of Elections' acts and/or omissions relating to any Association vote or election.

ARTICLE 3 MEMBERSHIP VOTING RIGHTS

3.1 Member Voting Rights. Members shall be entitled to vote on each matter submitted to a vote of the Members. "Member" means a person who holds legal record title to the unit. If the Member is not a natural person (e.g., corporation, LLC or a trust), the vote of such Member may be cast by the person designated by the governing authority of Member in writing to the Association. No Member shall be denied a ballot for any reason other than not being a Member. Once a ballot is received by the Inspector of Elections, it may not be rescinded.

3.2 Voting Power. On each matter submitted to a vote of the Members, only one (1) vote shall be cast per unit owned. Votes on behalf of a separate interest owned by more than one person or entity shall be treated as a single Member for voting purposes. Unless designated in writing to the Association prior to the record date for voting, the Association and any inspector of election shall be entitled to conclusively presume that any co-owner of a unit who cast a vote representing that unit was acting with the authority and consent of the other owners of that unit.

3.3 Voter List. The Association shall maintain a "Voter List" which shall include for each separate interest: the Member's name; voting power; and, unless the Member has "opted out" of the public distribution of their address, the physical address of the Member's separate interest, or the parcel number, or both, and the mailing address of the Member if it is different than the physical address of the separate interest (or if the parcel number is used). Upon request, the Association shall permit Members to verify the accuracy of their individual information on the Voter List at least 30 days before the ballots are mailed. The Member shall report any errors to the Inspector of Elections who shall make the correction within two business days. The Association may, at its discretion, report any known errors to the Inspector of Elections. The Voter List shall be retained as "association election materials" as required by law.

3.4 Cumulative Voting. Cumulative voting is prohibited in the election of directors.

3.5 Quorum. Except for votes on assessment increases requiring Member approval, which shall be conducted in accordance with Civil Code Section 5605(c), quorum shall mean twenty-five percent (25%) of the total voting power of the Association unless, in the case of a director election, the quorum is reduced in accordance with Corporations Code section 7512(e) and Civil Code section 5115(d)(2).

If a quorum is required by the governing documents, each secret ballot (electronic or written) received by the Inspector of Elections shall be treated as a Member present at a meeting for purposes of establishing a quorum. Where electronic voting is utilized, once 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.

3.6 Proxies. Proxies may be used by the Members at a Membership meeting and for voting only as authorized in the Bylaws. Proxies shall otherwise be prohibited. "Proxy" shall mean a written authorization signed by a Member or a Member's attorney-in-fact giving another person or persons power to vote for such Member, as defined in Corporations Code section 5069. Only official ballots issued by the Association shall be counted as votes. Use of a proxy does not obviate the requirement that a secret ballot be submitted in any election or vote conducted by the Association. The proxy shall serve as authorization for the proxyholder to cast the secret ballot.

3.7 General Power of Attorney. A Member may delegate their voting rights to a third party by use of a general power of attorney that conforms to the laws of the state in which the power is conveyed. The power of attorney must be returned to the Association at or before the casting of the ballot for which voting rights have been delegated. A person with general power of attorney for a Member, who has provided satisfactory evidence thereof, shall not be denied a ballot and said ballot shall be counted if returned by the deadline for voting.

3.8 Record Date for Voting. Per Corporations Code section 7611(b), for the purpose of determining the Members entitled to vote, the Board may fix a record date that is no more than sixty (60) days prior to the date of the ballot opening meeting. If the Board does not set a record date, the record date for voting shall be the first day on which the ballots are mailed or solicited. (Corp. Code § 7611(c).) The record date shall continue to apply in the event the meeting is rescheduled to a later date.

ARTICLE 4

CANDIDATES FOR THE BOARD AND NOMINATION PROCEDURES

4.1 Number of Directors, Terms, and Frequency of Director Elections. The authorized number of directors is five (5). (Bylaws, § 7.01.) Directors shall be elected for two-year terms, with three (3) directors generally elected in odd numbered years and two (2) directors generally elected in even numbered years. (Bylaws, § 7.02.) The Association shall hold an election for a seat on the Board at the expiration of the corresponding director's term or sooner if required by the Bylaws.

4.2 Qualification of Candidates. Candidates for the Board must be Members at the time of their nomination and must meet all qualifications or restrictions set forth in these Election Rules. In the case of a Member that is not a natural person (such as a corporation or other entity), the entity Member shall have the power to appoint a natural person as the "Member" for purposes of director elections. The Association shall disqualify a nominee for the Board for any of the following reasons:

4.2.1 The nominee is not a Member.

4.2.2 The nominee, if elected, would be serving on the Board at the same time as another owner of the same unit and the other person is either properly nominated for the current election or is an incumbent director.

4.2.3 If the nominee, at the time of nomination, is delinquent in the payment of regular and/or special assessments. A nominee shall not be considered "delinquent" if the delinquency relates to the payment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party and/or if the nominee: (a) has paid the regular or special assessment under protest; (b) has entered into a payment plan for repayment of the delinquent assessments and is not delinquent in payments due under the plan; or (c) has requested and has not been provided an opportunity to engage in internal dispute resolution.

4.2.4 If the nominee discloses, or if the Association is aware or becomes aware of, a past criminal conviction that would, if the Member was elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code section 5806 or terminate the Association's existing fidelity bond coverage.

Consistent with Civil Code section 5105(f), the above disqualifications shall also apply to seated directors and not just to candidates for director.

4.3 Nominations.

4.3.1 Solicitation of Candidates in Secret Ballot Director Election. At least thirty (30) days before the deadline for submitting a nomination, the Association shall provide general notice of the procedure and deadline for submitting a nomination for the Board.

4.3.2 Solicitation of Candidates in Election by Acclamation. In any election where the Association is permitted to use election by acclamation, and where the Association intends to do so if the election is uncontested, the Association shall provide the following notices as part of the nominations process.

- i. At least ninety (90) days before the close of nominations, the Association shall provide individual notice 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; and (d) a statement informing Members that if, at the close of the nomination period, 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. Between seven (7) days and thirty (30) days before the close of nominations, the Association shall provide individual notice 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, and (e) a statement reminding Members that if, at the close of the nomination period, 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. (Note: This statement shall not be required if, at the time the reminder notice is distributed, the number of qualified candidates already exceeds the number of board positions to be filled.)
- iii. Within seven (7) business days of receiving a nomination, the Association provides a written or electronic communication acknowledging the nomination to the Member who submitted the nomination.
- iv. Within seven (7) business days of receiving a nomination, the Association provides a written or electronic communication to the nominee, indicating either that (a) the nominee is a qualified candidate for the Board, or (b) the nominee is not a qualified candidate for the Board. If the communication specifies that the nominee is not a qualified candidate, it must also include the basis for disqualification and the internal dispute resolution procedure by which the nominee may appeal the decision.
- v. If the nominee is self-nominated, the Association may combine the nomination acknowledgment communication (subparagraph (iii)) and the nominee qualification communication (subparagraph (iv)) into a single communication to the nominee.

4.3.3 Persons Who May Be Nominated. Any Member who satisfies the qualifications and is not otherwise prohibited from running for the Board may place their name in nomination for the Board by submitting the nomination in writing before the published deadline for receiving nominations. In addition, the Board may recruit qualified candidates and/or may appoint a nominating committee to nominate qualified candidates.

4.3.4 No Write-Ins. No “write-in” candidates shall be permitted on the ballots in the election of directors.

4.3.5 No Nominations from the Floor. Nominations may not be made from the floor at any Association meeting.

4.4 Candidate Registration List. The “Candidate Registration List” shall mean the names and addresses of those nominees who have been qualified by the Association to run for the Board of Directors. Upon request, the Association shall permit Members to verify the accuracy of their individual information on the Candidate Registration List at least thirty (30) days before ballots are distributed. The

Member shall report any errors to the Inspector of Elections who shall make the correction within two business days. The Association may, at its discretion, report any known errors to the Inspector of Elections. The Candidate Registration List shall be retained as “association election materials” as required by law.

4.5 Notice of Known Candidates. The names of all persons on the Candidate Registration List, who have not withdrawn their candidacy, shall be set forth on the ballot distributed to the Members.

4.6 Withdrawal of Candidacy. Any candidate may withdraw from the election so long as they do so (i) in writing to the Inspector of Election or to the Board of Directors if no Inspector of Elections has yet to be appointed, and (ii) the withdrawal is received by the Inspector of Election (or the Board of Directors) prior to the commencement of opening and tabulating the ballots. If a candidate withdraws his or her candidacy from an election prior to the ballots being mailed, the candidate shall not be listed on the ballot. If a candidate withdraws his or her candidacy from an election after ballots have been distributed to the Members for an election, such withdrawal shall not be cause for cancellation of the election, even though one or more Members may have already mailed their completed ballot to the Inspector of Elections. If the withdrawn candidate receives enough votes to be elected to the Board, that candidate’s votes shall be disregarded and the candidate receiving the next highest number of votes shall instead be elected to the Board.

4.7 Candidacy Statements. Any candidate who wishes to submit a candidacy statement may only do so using the Association’s authorized form. If no form is provided by the Association, a candidate may submit a one-page, single side standard sheet of paper (8.5”x11”), with either a handwritten or typed statement. The content of any candidate statement shall be limited to a statement of the candidate’s qualifications to serve as a director. To be included with the ballots distributed to Members, candidate statements must be received by the nomination deadline, or other deadline established by the Board of Directors.

ARTICLE 5 VOTING PROCEDURES

5.1 Election of Directors by Acclamation. If, as of the published deadline for receiving nominations, the number of qualified candidates for election to the Board is not more than the number of directors to be elected, then the qualified candidates shall be declared elected.

The Association may only utilize election by acclamation if it holds a secret ballot election at least once every three-year period. To determine the permissibility of an election by acclamation, the three-year period is calculated from the last date on which ballots were due in the last full election to the start of voting in the proposed election. Election by acclamation shall only be utilized in an uncontested election where the Association meets all the conditions specified in Civil Code section 5103 which includes permitting all persons who are nominated to run for election except for those nominees that have been properly disqualified.

The Association’s Board shall vote to consider the qualified candidates elected by acclamation at an open board meeting in which the posted meeting agenda includes the name of each qualified candidate that will be seated by acclamation by Board vote. The election results shall be recorded in the minutes. The elected directors shall take office as directed by the Board. If the Board does not designate the date, the directors shall take office following the adjournment of the Board meeting at which the election by acclamation is approved by the Board.

5.2 Pre-Ballot Notice for Director Elections. In an election of directors using secret ballots, the Association shall provide general notice of all of the following at least thirty (30) days before secret ballots are distributed: (i) the date and time by which, and the physical address where, ballots are to be

returned by mail or handed to the Inspector of Elections; (ii) the date, time, and location of the meeting at which a quorum will be determined (if applicable) and at which ballots will be counted; and (iii) the list of all candidates names that will appear on the ballot (the “Pre-Ballot Notice”). If the Association will be conducting the election by electronic secret ballot, the Pre-Ballot Notice shall include 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.

5.3 Voting by Written Secret Ballots.

5.3.1 Use of Written Secret Ballot. Except for an election of directors by acclamation, or where an electronic secret ballot will be used, Member voting shall be conducted by mail, using a written secret ballot (i.e., not an electronic secret ballot) and double envelope system described in Civil Code section 5115(c). A written ballot and two envelopes with instructions on how to return a ballot shall be mailed by first-class mail or delivered to all Members in such vote or election.

5.3.2 Timing of Mailing the Written Secret Ballot. The written ballot and envelopes shall be distributed to the Members a minimum of thirty (30) days prior to the deadline for voting. To preserve secrecy, the written ballot should be placed in the inner envelope.

5.3.3 Casting the Physical Secret Ballot. In the upper left-hand corner of the outer envelope, the voting Member must sign their name and indicate their name and the address that entitles the Member to vote. The outer envelope must be addressed to the Inspector of Elections. 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.

5.4 Electronic Secret Ballot Voting Procedures. The procedures described in this Section 5.4 regarding electronic secret ballot voting shall only apply in the event the Board determines that a Membership vote or election shall be conducted by electronic secret ballot. Absent such a determination, the Membership vote or election shall be conducted by written secret ballot.

5.4.1 Electronic Secret Ballot Defined. “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 sections 5100 *et seq.*

5.4.2 Applicability. Except for an assessment vote requiring Membership approval per Civil Code section 5605, the Association may, at the Board’s sole discretion, utilize an Inspector of Elections to conduct an election or vote by electronic secret ballot. In the event the law changes to permit electronic secret ballots to be used in assessment votes requiring Membership approval, these Election Rules shall automatically allow such use without the need for a rule amendment.

5.4.3 Member’s Preferred Voting Method. Each Member entitled to vote shall have the right to determine their preferred method of voting and may change their preferred method of voting up to ninety (90) days before an election. The Association shall permit the Member to change their preferred method of voting from electronic secret ballot to written secret ballot or written secret ballot to electronic secret ballot in accordance with the procedures contained herein. The Association shall include in the annual policy statement the procedures for a Member to change their preferred method of voting.

- 5.4.4 Opt-Out Process. At least 30 days before the deadline to opt out of voting by electronic secret ballot (i.e., at least 120 days before the election), the Association shall provide individual notice to all Members of all of the following:
- (a) The Member's current voting method.
 - (b) If the Member's voting method is by electronic secret ballot and the Association has an email address for the Member, the Member's email address that will be used for voting by electronic secret ballot.
 - (c) 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.
 - (d) An explanation of how a Member may opt out of voting by electronic secret ballot.
 - (e) 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
- 5.4.5 Delivery of the Electronic Secret Ballot. A Member shall be sent an electronic secret ballot to vote unless (i) the Member has timely confirmed in writing that they are opting out of voting by electronic secret ballot, or (iii) the Member has not provided the Association with a valid email address. If the Member has opted out, or 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. The Association shall deliver the electronic secret ballot by individual notice to the Member at least 30 days before the election.
- 5.4.6 Electronic Voting List. In any Membership vote or election conducted by electronic secret ballot, the Association shall maintain a voting list identifying which Members will vote by electronic secret ballot and which Members will vote by written secret ballot.
- 5.4.7 Content of the Electronic Secret Ballot. The electronic secret ballot shall contain instructions on both of the following: (i) how to obtain access to the internet-based voting system, and (ii) instructions for how to vote by electronic secret ballot. Delivery of the electronic secret ballot by individual notice may be accomplished by electronic submission to an address, location, or system designated by the Member. In any Membership vote or election where an electronic secret ballot is used, both the electronic secret ballot and the written ballot (if any) shall contain the same list of items being voted on.
- 5.4.8 Additional Inspector of Elections Duties in Electronic Secret Ballot Voting. If a Membership vote or election is being conducted by electronic secret ballot, in addition to those duties described in Section 2.4 herein, the Inspector of Elections shall ensure that:
- (a) Each Member voting by electronic secret ballot is 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; and (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.

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

5.5 No Revocation of Secret Ballot. Once a secret ballot (electronic or written) is received by the Inspector of Elections, 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 of Elections. A written secret ballot is effective when it is received by the Inspector of Election.

5.6 Extension of Voting. The Board shall be entitled to extend the deadline for the return of ballots one or more times due to the lack of a quorum or for such other reasons as the Board deems reasonable and prudent.

5.7 Tabulation and Observation. All votes shall be counted and tabulated by the Inspector of Elections, or the designee of the Inspector of Elections, at a properly noticed open meeting of the Board or Members in a manner that allows the Members to view the opening and tabulation. The Inspector of Elections may appoint one or more additional people to assist in the opening of written ballots and tabulation of votes. A person, including a Member of the Association or an employee of the management company, shall not open or otherwise review any ballot or any tally sheet of votes cast by electronic secret ballot, before the time and place at which the ballots are counted and tabulated. The Inspector of Elections, or the designee of the Inspector of Elections, may verify the Member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.

Any ballot opening meeting conducted by teleconference, as described in Civil Code section 4090(b), shall provide for a physical location whereby Members may witness the counting and tabulation of votes, as provided in Civil Code sections 4926 and 5120. Observers shall not harass or interfere with the Inspector of Elections and/or those assisting the Inspector of Elections in any manner whatsoever. The Inspector of Elections or the Board shall have the power and authority to cause the removal of any person who interferes with or disrupts the voting, opening or tabulating process. The Inspector of Elections may suspend the opening and tabulation process if anyone causes interference with or disrupts the process.

5.8 Tied Votes. In the case of a tied vote for one (1) or more positions on the Board, the following procedures shall be implemented to determine the successful candidate: (i) any of the tied candidates may voluntarily withdraw from the election, thereby resolving the tie; or, if the tie is not resolved through withdrawal, (ii) the winner shall be decided through a random selection method, such as a coin toss or drawing lots, as determined by the Inspector of Elections. These procedures are established to ensure a fair, transparent, and prompt resolution in the event of a tie during director elections.

5.9 Reporting Election Results. The tabulated results of the election shall be promptly reported to the Board and shall be recorded in the minutes if reported at a meeting of the Board or recorded in the

minutes of the next meeting of the Board if reported at a Member meeting. Within fifteen (15) days of the election, the Board shall give the Members general notice of the tabulated results of the election.

5.10 Retention of Association Election Materials. “Association election materials” shall mean the returned ballots, signed voter envelopes, the Voter List, proxies, and the Candidate Registration List, and the tally sheet of votes cast by electronic secret ballot. The association election materials shall at all times be in the custody of the Inspector of Elections or at a location designated by the Inspector of Elections for a period of one (1) year after the Inspector of Elections notifies the Board and the Members are notified of the election results, at which time custody shall be transferred to the Association. The Association shall retain the association election materials for one (1) year after the date of the election. At the expiration of the retention period all association election materials may be destroyed.

5.11 Recount. If there is a recount or other challenge to the election process, the Inspector of Elections shall, upon written request, make the ballots and the tally sheet of votes cast by electronic secret ballot available for inspection and review by an Association Member or the Member’s authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

ARTICLE 6 USE OF ASSOCIATION MEDIA AND CAMPAIGNING

6.1 Access to Association Media – Candidates for the Board. The Board may, but is not required to, make Association media (e.g., newsletter, noticeboard, website, or other notices provided to the Members) available to qualified candidates running for election to the Board for purposes that are reasonably related to the election in which that candidate is running. If the Board allows any candidate access to Association media, then all qualified candidates shall be allowed equal access to the same media.

6.2 Access to Association Media – Other Matters. If the Board utilizes Association media to advocate a point of view on any matter (other than election of directors) that requires Member approval, or allows any Member access to Association media for that purpose, then Members advocating a different point of view shall also be allowed equal access to the same media. The Board shall not be required to allow access to more than one Member advocating the same point of view.

6.3 “Equal Access.” “Equal access” shall mean publication of written statements not to exceed a predetermined length as determined by the Board during the polling period. The Board shall not edit or redact any statement but shall not be required to publish any statement that exceeds the predetermined length restrictions. Modifications to formatting may be made to allow for space and/or media restrictions. If any formatting modifications should become necessary, they shall be applied equally to all submissions and at no time shall any formatting be applied that may signify a preference or partiality.

6.4 Responsibility for Content. All statements published in Association media pursuant to the equal access rules shall identify the author or proponent. No anonymous statements shall be permitted. The author and/or proponent of any statement or point of view shall be solely responsible and liable for the content of their statements. The Association shall not be responsible or liable for the content of any statement published pursuant to the equal access rules.

6.5 Campaigning. Association funds shall not be used for campaign purposes in connection with any association board election. Funds of the association shall not be used for campaign purposes in connection with any other association election except to the extent necessary to comply with duties of the association imposed by law. For the purposes of this Section 6.5, “campaign purposes” includes, but

is not limited to, the following: (1) expressly advocating the election or defeat of any candidate that is on the association election ballot; or (2) including the photograph or prominently featuring the name of any candidate on a communication from the association or its board, excepting the ballot, ballot materials, or a communication that is legally required, within 30 days of an election. This is not a campaign purpose if the communication is one for which subdivision (a) of section 5105 of the Civil Code requires that equal access be provided to another candidate or advocate.

ARTICLE 7 USE OF COMMON AREA MEETING SPACE

7.1 Access to Common Area Meeting Space – Campaigning by Candidates for the Board. The Board shall ensure that during a campaign all qualified candidates for election to the Board are given access to common area meeting space (if any) upon request, at no cost, for purposes reasonably related to their campaigns.


7.2 Access to Common Area Meeting Space – Other Matters. Whenever the Board places a matter before the Members which requires Member approval, the Board shall ensure that Members advocating a point of view on the matter are given access to common area meeting space (if any) upon request, at no cost, for purposes reasonably related to advocating their point of view, whether or not they agree with the point of view advocated by the Board on the matter at issue.

7.3 All Access. Any use of the common area facilities for the purposes described above shall be regulated by any existing rules and regulations for such use. The Board, in its sole discretion, may reasonably limit a candidate's or Member's access to common area facilities to facilitate equal access for other candidates and Members, and so as not to unreasonably interfere with other Members' rights to use such facilities. No campaign information shall be posted in or on any common area without prior Board approval and any campaign materials so posted are subject to immediate removal.

ARTICLE 8 AMENDMENTS

The Board may amend these Election Rules from time to time except that these Election Rules may not be amended less than ninety (90) days prior to an election unless that amendment is merely to conform to non-discretionary changes in the law.

I, Sharon Bendz, am the Secretary of The Elmwood Manor Homeowners Association and certify that these Election Rules were duly adopted by the Board of Directors of the Association and came into effect on the 25th day of June, 2025.



Secretary

6/27/2025

Date