

RANCHO SANTANA HOMEOWNERS ASSOCIATION

ELECTION RULES

Effective: 28 January, 2020

Adopted in Accordance with Civil Code § 4360, et seq.

The Election Rules contained in this document are not intended to supersede any state laws or city ordinance, and if any election rule is in conflict, the state laws or city ordinance shall take precedence.

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1 OVERVIEW

This document describes the Rancho Santana Homeowners Association (hereafter referred to as “Association”) Election Rules. This version of the Election Rules supersedes any other Rules, by the same or other name, for the Rancho Santana Development published or released prior to the release of this document. The documents governing the operation of the Association and constraining the actions of the Owners relative to the election of the Association board members include the Association’s Articles of Incorporation, Bylaws, CC&Rs (Covenants, Conditions and Restrictions), and Rules and Regulations. These documents are referred to collectively as the Association’s “Governing Documents”.

2 DEFINITIONS

For the purposes of this Enforcement Procedure, the following definitions shall apply:

- Inspector of Election – The individual(s) entrusted with the responsibility and authority to conduct the election of board members for the Association. The number of inspectors must either be 1 or 3. The inspector(s) of election operate independently from the Board of directors.

3 ELECTION RULES

3.1 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.

3.2 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.

Note: As of October 2019, the Association does not have any common area meeting space and does not anticipate developing or acquiring common area meeting space.

3.3 Qualifications for the Board of Directors: The Association has the following qualifications to be a candidate for the Board of Directors:

- a. The candidate must be a Member of the Association.
- b. The Member must be current on Regular Assessments and Special Assessments. For purposes of this section, a Member is deemed to be current on Regular Assessments and Special Assessments if:

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- i. The Member has paid the Regular Assessment or Special Assessment under protest pursuant to Civil Code Section 5658.
 - ii. The Member has entered into a payment plan pursuant to Civil Code Section 5665; or
 - iii. The Member has not been provided the opportunity to engage in internal dispute resolution.
- c. A maximum of one Member from a Lot may be a director. The Association will disqualify a candidate if their election would violate this provision.
- d. The Member does 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.

3.4 Procedures for nomination of candidates for the Board of Directors: Qualified candidates for the Board of Directors may be nominated through any of the following procedures:

- a. If required by the governing documents, an election/nominating committee appointed by the Board of Directors may nominate candidates at least thirty days prior to when election materials are prepared for distribution to the members.
- b. The Board of Directors may nominate candidates at least thirty days prior to when the election materials are prepared for distribution to the members.
- c. Any member may nominate himself or herself 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(s) of election must provide notice to 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.
- d. Any member may nominate another member from the floor at the members' meeting where the election is taking place.

3.5 Voting rights: All members as of the record date of the election are qualified to vote. The records date shall be the day that ballots are distributed to the Members. 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.

3.6 Voting power: Each membership (defined as a single separate interest within the Association, regardless of the number of owners) is entitled to one vote per director position up for election. Each membership may only cast one of the membership votes

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for a nominee. If multiple votes are casted for a single nominee, the multiple votes shall be counted as a single vote. There shall be cumulative voting when there are more nominees than director positions up for election.

- 3.7 Voting period: The voting period for member elections shall commence when the election materials are distributed to the members of the Association and shall close at the members' meeting where the election is taking place at the time determined by the inspector(s) of elections. At least thirty days before an election, the inspector(s) of election 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.
- 3.8 Association election materials: 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 Election who shall make the corrections within two business days.
- 3.9 Validity of proxies: Pursuant to Section 4.10 of the CC&Rs, a Member may submit a ballot by proxy consistent with the provisions on the CC&Rs.
- 3.10 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.
- 3.11 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. An independent third party may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the association for any compensable services other than serving as an inspector of elections. 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

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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.

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