

Tract 14025 28th Street Marina Association
Rules for the Election of Directors by Secret Ballot

The following rules and procedures shall apply in connection with any matter presented to the Members for approval:

General Election Rules

1. The Board of Directors shall determine the date, time and place of the annual meeting of the owners in accordance with the Association's Bylaws.
2. The number of directors who are scheduled to be elected and the terms for each shall be determined in accordance with the association's governing documents and stated in the notice of the meeting.
3. The notice of the meeting along with a secret ballot on which to vote and one set of double envelopes along with instructions for voting shall be mailed to all owners at least 30 days prior to the scheduled election date.
4. The record date for determining members entitled to receive notice of the meeting and entitled to vote shall be set by the board of directors.
5. All candidates or members advocating a point of view shall have equal access to all association media, newsletters and websites during a campaign for purposes reasonably related to that election.
6. The association will not edit or redact any content from candidate or member communication. The association may include a statement specifying that the candidate or member and not the association is solely responsible for the content of the communication.
7. All candidates and members will have equal access at no cost to any common area meeting space during a campaign for purposes related to the election. The Association may meet the requirements of this section by hosting a "Meet the Candidates Night", or other such special meeting, so long as every Candidate and/or Member is provided with an equal opportunity to participate in the event.
8. Association funds may not be used for campaign purposes in connection with any board election.
9. Within 15 days of the election, the board of directors shall publicize the results of the election in a communication directed to all members.

Tract 14025 28th Street Marina Association
Rules for the Election of Directors by Secret Ballot

Candidate Qualifications

1. Candidates must be a member in good standing.
2. Candidates must be an owner of record in the association

Nomination of Candidates

1. The Association shall mail to each owner a Candidate Nomination Form which will include a deadline for receipt by the association.
2. Candidates who meet the qualifications and whose nomination forms are submitted prior to the deadline will have their name printed on the secret ballot and their statements retyped verbatim and distributed to the membership.
3. Candidates names will be listed in alphabetic order on the ballot with incumbents noted accordingly.
4. Candidates can be nominated from the floor at the election meeting by another member or by self-nomination. Any candidate nominated from the floor at the meeting must be present to accept the nomination.

Voting

1. All members in good standing who have not had their voting privileges suspended at a duly held hearing are entitled to vote. Following Notice and Hearing in compliance with Corporations Code section 7341, the Association's Board of Directors may terminate or suspend any Owner's right to vote as a penalty for violation of the Association's governing documents.
2. There is one class of voting as follows:
 - A. Class A Members (homeowners) may vote one time for each open position.
3. Members entitled to vote may do so by secret ballot or may designate a proxy holder to vote for them by secret ballot at the election.
4. Secret ballots cast by mail shall be irrevocable. As described on the outer envelope, your signature authorizes the Inspector(s) of Election to serve as your proxyholder for the purposes of establishing a quorum.
5. The polls for any vote of the membership shall be open from the date the Secret Ballot is mailed and shall close when the Inspector(s) of Election determine that the ballots shall be counted, unless the Inspector determines another time for the polls to close.

Tract 14025 28th Street Marina Association
Rules for the Election of Directors by Secret Ballot

Inspectors of Election

1. The board of directors shall appoint one (1) or three (3) inspector(s) of election to serve at any regular or special meeting of the members.
2. The inspector(s) may be a member of the Association provided such member is not a member of the Board of Directors or a candidate for the Board Directors or related to a member of the Board of Directors or a candidate for the Board of Directors.
3. Inspector(s) shall be independent third parties which can also include, but is not limited to, a volunteer poll worker with the county of registrar of voters, a licensed CPA or a notary public.
4. The appointed Inspector(s) of Elections must be an independent third party and may include, but is not limited to, a Member of the Association or any person or entity receiving compensation from the Association.
5. There shall be one or three inspectors of election for the association.
6. If there are three inspectors of election, the decision or act of a majority shall be effective in all respects as the decision or act of all.
7. The inspector(s) will determine the number of memberships entitled to vote and the voting power of each in accordance with the association's by-laws.
8. The inspector(s) will determine the authenticity, validity and effect of proxies, if any.
9. Unless the inspector(s) designate a different location to receive ballots, the location to receive ballots will be the association's managing agent's business office address.
10. The inspector(s) shall hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
11. The inspector(s) shall count and tabulate all votes at a duly noticed board or member meeting in an open setting allowing members and candidates to witness the counting and tabulation of the votes.
12. Anyone who is not an inspector of election, or appointed to assist the inspector(s) of election, must remain at least five feet away from the counting area. No person may interfere with, harass or otherwise communicate with the Inspector(s) of Elections while the count is taking place. Members or persons not specifically authorized to do so may not touch any secret ballot or other election materials.

Tract 14025 28th Street Marina Association
Rules for the Election of Directors by Secret Ballot

13. The inspector(s) can cause the removal of any observer who causes interference with or disrupts the counting or tabulation process.
14. The inspector(s) shall determine when the polls will open and close.
15. The inspector(s) shall determine and announce the results of the election and shall report the results of the election promptly to the board of directors. The results shall be recorded in the next regular session board meeting minutes.
16. An inspector of election shall perform his or her duties impartially, in good faith, to the best of his or her ability and as expeditiously as is practical.
17. The inspector(s) shall perform any acts as may be proper to conduct the election with fairness to all members in accordance with the law and all applicable rules of the association including these election rules.
18. The board of directors may remove and replace any inspector of election prior to the tabulation of votes if an inspector of election resigns or if the board reasonably determines that an inspector of election will not be able to perform his or her duties impartially and in good faith.

Ballots and Tabulation

1. Once a ballot is received by the association it is deemed irrevocable.
2. Ballots shall ensure the confidentiality of the voter and shall not identify the voter by name, address, lot, parcel or unit number and may not require a signature.
3. The ballot itself shall be inserted into an envelope that is sealed. This envelope shall be inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter must print and sign his or her name, address, and lot, parcel or unit number that entitles him or her to vote. The second outer envelope is addressed to the inspectors of election at the designated address.
4. Owners may return their secret ballot by mail, hand deliver it to the meeting, or complete the ballot at the meeting.
5. Only those ballots delivered to the inspectors of election prior to the polls closing shall be counted. All ballots must be received via double envelopes.

Tract 14025 28th Street Marina Association
Rules for the Election of Directors by Secret Ballot

6. If a member loses his or her ballot, a new one can be obtained from the inspector(s) of election, however, if a ballot envelope is already on file from that unit, then no new ballot will be given.
7. A member who signs or otherwise marks his or ballot with an identifying mark, waives his or her rights to secrecy.
8. The sealed ballots shall at all times be in the custody of the inspectors of election or at a location designated by the inspectors.
9. After the counting of the ballots and the certification of the election results by the inspectors of election, the ballots shall be transferred to the Association.
10. 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, which the ballots are counted and tabulated.
11. If the number of candidates is equal to or fewer than the number of open positions and tabulation is not necessary to determine term of office, then a member in attendance may make a motion to elect the slate as presented followed by a secret ballot vote of the members in attendance to elect the slate as presented. The vote count will then be waived.
12. After tabulation of the votes, custody of all election materials will be transferred to the custody of the association for its corporate records.