

# ELECTION AND MEMBERSHIP VOTING RULES OF QUEEN'S VIEW COMMONS HOMEOWNERS' ASSOCIATION

## 1. Mailing Ballot Materials.

**Election of the Board of Directors:** The exact date of the annual meeting of the members, during which ballots for the election of the board of directors shall be tabulated and counted, shall be established and the notification thereof sent to each member of the association between the 55<sup>th</sup> and 60<sup>th</sup> days before such meeting. The ballot materials for the annual election of the board of directors, shall be mailed to each member of the association between the 30<sup>th</sup> and 35<sup>th</sup> days before the annual meeting of the members during which the ballots will be counted.

**Other Ballot Measures.** The exact date for the open meeting required for the counting of ballots on matters where a vote of the membership is required, other than the election of the board of directors, shall be established and the notification thereof sent to each member of the association between the 55<sup>th</sup> and 60<sup>th</sup> days before such meeting. The ballot materials for such matters shall be mailed to each member of the association between the 30<sup>th</sup> and 35<sup>th</sup> days, inclusive, before the meeting established for the counting of ballots.

## 2. Association Media Access.

Candidates and persons advocating a point of view shall have access to some association media, which includes the association's common area bulletin board for the purpose of advocating for or against the following:

- (1) The election of any candidate running for the board of directors or any other elected position;
- (2) The passage of any amendment to the governing documents;
- (3) The imposition of any assessment requiring a vote of the membership;
- (4) The passage of any other proposal requiring a vote of the membership.

Association media access will be limited and available to each candidate or person advocating a position as follows:

**Common Area:** One posting with a photo (director elections only), biography (director elections only; not to exceed 100 words) and statement of position on candidates or concerning the subject ballot issue (not to exceed 200 words) during the period beginning on the 60<sup>th</sup> day before and ending on the day of the meeting of the membership scheduled to count ballots on this matter.

The term "association media" as used in this paragraph shall not include the official ballot materials sent to the membership for a board of directors election, which may include

biographical descriptions and photographs of the nominees that are running for the board of directors.

Any biography or statement of position allowed to be published pursuant to this section shall include a disclaimer that the person providing the biography or statement of position is responsible for its content and that neither the association nor its board of directors have endorsed, approved or confirmed the accuracy of said contents.

### **3. Common Area Meeting Place.**

#### **Election of Board of Directors.**

During the period beginning on the 60<sup>th</sup> day before and ending on the day before the annual meeting of the membership scheduled to count ballots on this matter, the association shall conduct a "Meet the Candidates Forum" at the association clubhouse or other structure within the common area at no charge. At the forum any members of the association may meet and ask questions of all candidates running for election who wish to participate. All such candidates shall be invited to attend the forum. The association shall give a minimum notice of 10 days to all members (including candidates) of this event.

#### **Other Ballot Measures.**

For ballot measures subject to membership vote (other than the election of board of directors), such as amending the governing documents, the association shall conduct a "Town Hall Meeting" (not a formal membership meeting, but an informal opportunity for members to express their points of view on the particular ballot matter) during the period beginning on the 60<sup>th</sup> day before and ending on the day of the meeting of the membership scheduled to count ballots on this matter. The association shall give a minimum notice of 10 days to all members of this event.

**4. Candidate Qualifications.** In order to run for the board of directors, a member must meet the eligibility/qualifications identified in Article IV, Section 1 and/or any other provision of the Bylaws.

**5. Election Nomination Process.** The process for nominating a candidate to run for the board of directors shall be as specified in Article IV, Section 1 of the Bylaws with the following additional provisions:

**Nominating Committee.** The nominating committee shall mail or personally deliver a written list of its nominees, as they exist at that time, all of whom must have agreed to serve on the board of directors, to the board of directors no later than the 40<sup>th</sup> day before the annual meeting of the membership scheduled to count ballots on this matter. Nominations timely submitted by the nominating committee will be included on the ballot to be delivered to all association members at least 30 days before the meeting for the counting of ballots. Any nominations thereafter made by

the nominating committee shall be presented to the board at or before the annual meeting.

**Self-Nomination.** Any member of the association qualified to serve on the board of directors may nominate himself or herself either by (1) personally delivering or mailing a letter or other writing advising the board of directors of his or her intent to run for a position on the board of directors or (2) by announcing his or her nomination at the time designated for nominations at the meeting at which ballots are to be counted. Nominations which are submitted in writing as provided for herein, no later from the 40<sup>th</sup> day before the annual meeting of the membership scheduled to count ballots on this matter, will be included on the ballot to be delivered to all association members at least 30 days before the meeting for the counting of ballots.

**Close of Nominations.** Nominations will continue to be accepted in writing and taken from the floor during the annual meeting until a final call for nominations had been made and the close of nominations is thereafter announced at the meeting.

**6. Record Date for Voting.** The record date of ownership for members to be entitled to receive notice of any association election, as well as to be entitled to vote shall be the 40<sup>th</sup> day before the annual meeting of the members during which the ballots will be counted.

**7. Selection of Inspectors of Election.** The board of directors shall select three (3) inspectors of election at the last open board meeting conducted prior to the distribution of the ballot material. The inspectors of election may be selected from the following: one member of the association's management company, the association's Certified Public Accountant, one member of the association's retained law firm, one or more association members, a notary public, a volunteer poll worker with Los Angeles County Registrar of Voters or an election management company, provided that none of the inspectors of election may be a member of the board, a nominee for the board, related to a member of the board by blood or marriage or related to a nominee running for the board by blood or marriage.

**8. Powers of Inspectors of Election.** The inspectors of election shall determine the number of memberships entitled to vote and the voting power of each membership, receive the ballots, hear and determine all challenges and questions in any way arising out of or in connection with the right to vote, count and tabulate the ballots, determine the results of election and shall further perform any acts which may be proper to conduct the election with fairness to all members in accordance with Civil Code §1363.03 and the association's governing documents. The decision of a majority of the inspectors shall be effective in all respects as the decision or act of all. The inspectors may also appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspectors deems appropriate. However, the appointees must meet the same impartiality requirements as the inspectors.

**9. Secret Ballot.** Notwithstanding any other law or provision of the association's governing documents, board of directors elections and other elections required to be submitted to the membership pursuant to Civil Code § 1363.03(b) shall be conducted by a secret written ballot.

Ballots and two pre-addressed envelopes with instructions on how to return ballots, must be mailed by first class mail or delivered by the association to every member not less than thirty (30) days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address or lot, parcel or unit number on the ballot itself. The balloting materials shall include all of the following:

a. The ballot itself is not signed by the voter, but is placed into a ballot envelope, pre-marked "Ballot Envelope" which is then sealed. The Ballot Envelope is then inserted into the second pre-addressed envelope ("Address Envelope") that is then sealed. In the upper left hand corner of the Address Envelope, the voter shall sign his or her name, indicate his or her name and indicate the address or separate interest identifier (unit number) that entitles him or her to vote.

b. The Address Envelope is to be pre-addressed to one of the inspectors of election for the tallying of votes. The Address Envelope can be mailed by the member to the inspectors of election on the pre-addressed envelope or delivered by hand to a location specified by the inspectors of election. Any member can request a receipt for delivery of their ballot.

c. No person, including any member of the association or an employee of a management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated by the inspectors of election.

d. A member may vote by proxy in the manner provided for in Article II, Section 4 of the 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 that can be detached and given to the proxy holder to retain. The proxy holder shall cast the member's vote by secret ballot at the annual meeting to count ballots.

e. At the Annual Meeting set for the tabulation and counting of the votes, any member present, in person or by proxy, may cast his or her vote, if not previously received by the inspectors of election. Any ballots previously received by the inspectors of election may not be revoked. The procedure for casting votes at the meeting set for the tabulation and counting of the votes shall be the same secret ballot and two envelope procedure used for mailed ballots. The inspectors of election will have a reasonable supply of ballots and both types of envelopes available at the meeting. After a reasonable period has been given for the casting of votes, the inspectors of election shall announce that the polls will close 10 minutes later. When that time comes, the inspectors of election shall close the polls by announcing said fact.

f. The tabulation and counting of the votes by the inspectors of election shall be conducted at the annual meeting of the members beginning immediately after the closing of the polls and shall be done by the inspectors of election, in public. Any candidate or other member of the association may witness the counting and tabulation of the votes.

g. The sealed ballots shall at all times be kept in the custody of the inspectors of election or at a location designated by the inspectors of election until after tabulation of the vote and until the time allowed by Section 7527 of the Corporations Code for challenging the election has expired, at which time custody shall be transferred to the association. In the event of a recount or other challenge to the election process, the inspectors of election shall, upon written request, make the ballots available for inspections and review by association members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote. After the transfer of the election ballots to the association, the ballots shall be stored by the association in a secure place for no less than one (1) year after the date of the election.

**10. Other Ballot Measures.** The balloting process for amendments to governing documents shall be submitted to the membership in a similar manner as the election for the board of directors, except that:

a. The ballots may be sent to the membership at any time and not in conjunction with the timing of any annual meeting.

b. Ballots distributed to all members for voting, other than for elections, shall identify the proposed measure, provide an opportunity to specify approval or disapproval and provide at least thirty (30) days upon which to return the ballot to the inspectors of election. The ballot and voting instructions contained within the ballot materials will set forth (1) the number of ballots necessary to establish a quorum, (2) the number of affirmative votes necessary for the measure to pass, (3) the date of the meeting by which the ballots must be received to be counted, and (4) the location designated by the inspectors of election where ballots may be delivered or mailed prior to such meeting.

c. The Address Envelope shall include the following statement above the signature line: *By signing below, my vote shall act as my written approval or disapproval of the pending ballot measure.*

~~11. Election Results.~~ The results of any election shall be promptly reported to the board of directors and the members present at the meeting where the tabulation and counting was carried out and shall be recorded in the minutes of the next board meeting and shall be available for review by members of the association. Within fifteen (15) days of the election, the board shall publicize the results of the election in a communication directed to all members. Such notice could be given in a flyer, letter or newsletter by mailing it to the members or posting it conspicuously within the common area within the 15 day period allowed.

**12. Limits on Using Association Funds for Campaigns.** Association funds shall not be used for campaign purposes in connection with any association election, except to the extent necessary to comply with the duties of the association imposed by law. For purposes of this

paragraph, the association can use its funds to have corporate counsel (or other Board-designated individuals) prepare and review appropriate ballots as well as the copying, printing and mailing costs necessary to provide the ballots to the membership consistent with the association's governing documents and California law. The association can also provide neutral background information and explanations with non-election ballot material. For elections other than board of director elections, the board can add a one-sentence recommendation, requesting approval or disapproval of such election. The board, however, may not advocate the election or defeat of any candidate that is on an association election ballot for the board of directors.

**13. Lost Ballot Procedures.** If the owner loses his/her ballot, he or she may request another ballot, along with the appropriate envelopes from the inspectors of election, but they must sign a statement, under penalty of perjury that the original ballot was either lost, destroyed or never received. The inspectors of election shall maintain a record of each such request and, if it is determined that the owner voted twice, even by mistake, neither ballot would be counted.