

RAINBOW RIDGE

A Private Common Interest Community

Date: September 13, 2023
To: Rainbow Ridge Community Association Homeowners
From: PMP Management
Re: Request for Candidates

Dear Rainbow Ridge Community Association Member:

The Annual Meeting of the Board of Directors for your Association will be held December 2023 for the purpose of potentially electing a new Board of Directors. You will receive an official meeting notice specifying the time and location.

At this time, we are requesting candidates for the Board of Directors for the upcoming 2023-2025 term. Per the bylaws, there are staggered terms with this year having **two (2)** homeowner member positions up for election for **two (2)** years. If the Annual Meeting is successful, the newly elected Board members will then meet and appoint officers, therefore, candidates will run for a position on the Board only, and not a particular office.

Qualifications to run for the Board of Directors:

1. Must be an Owner.
2. Must be current in the payment of all regular and special assessments.
3. May not hold a joint ownership interest in the same separate interest as any other candidate or incumbent director.
4. Must have been a member of the association for at least one year.
5. The Candidate is not eligible to run if the Association is aware or becomes aware of a past criminal conviction that would, if the Candidate were elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code §5806 or terminate the Association's existing fidelity bond coverage.

The complete list of rules governing this election may be found on the PMP membership portal.

The Board of Directors meets in the evening bi-monthly to conduct the business of the Association. The meetings can last 2-3 hours. There may be other business to be handled between meetings that may require a Special Meeting of the Board, which could mean additional time commitments.

If you are interested in running for the Board, please complete the enclosed form, and return it to PMP Management at 100 Pacifica, Suite 350, Irvine CA 92618. **CANDIDATE STATEMENTS MUST BE SUBMITTED PRIOR TO 5:00 PM, October 16, 2023, IN ORDER TO BE INCLUDED ON THE BALLOT.**

Sincerely,

Marcos Cruz
PMP Management
On behalf of Rainbow Ridge Community Association

RAINBOW RIDGE COMMUNITY ASSOCIATION

**Board of Directors Candidate Statement
Please return this form no later than
October 16, 2023 BY 5:00 PM**

Name: _____

Address: _____

Email: _____ Phone: _____

Reason for running:

I believe all my statements contained here, and my attached candidate statement to be true.

I attest that I am a member of the Rainbow Ridge Community Association, whose name appears on title and is properly registered with the Association as such. I also understand that my name and my property address will appear on the Notice of the Annual Meeting.

I agree to adhere to and enforce the rules and regulations of the Association as set forth in the CC&Rs, Bylaws, and Rules and Regulations, and any amendments thereto.

Candidate's Signature

Date

The information provided will be printed verbatim, as submitted by you, for use on all election materials and resident mailings. It is requested that, if you write your statement out, you print or type the information legibly as it will need to be typed upon receipt.

Should you have any questions completing this form, please contact PMP Management (949) 218-9970

DEADLINE TO RETURN: October 16, 2023 BY 5:00 PM

MAIL OR FAX TO: Rainbow Ridge Community Association
c/o PMP Management
100 Pacifica, Suite 350, Irvine CA 92618
Phone: (949) 218-9970

ELECTION RULES

January 1, 2020

All section references pertain to the Civil Code unless otherwise noted

1. Notwithstanding any other law or provision of the governing documents, elections regarding assessments legally requiring a vote, election and removal of directors, amendments to the governing documents, or the grant of exclusive use of common area pursuant to Section 4600 shall be held by secret ballot.
2. The association shall hold an election for a seat on the board of directors at the expiration of the corresponding director's term and at least once every four years.
3. These rules also govern an election on any topic that is expressly identified in the operating rules as being governed by this article.
4. These rules apply to both incorporated and unincorporated associations, notwithstanding any contrary provision of the governing documents.
5. These rules apply to votes cast directly by the membership, but do not apply to votes cast by delegates or other elected representatives.
6. In the event of a conflict between these rules and the provisions of the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code) relating to elections, these rules shall prevail.
7. If any candidate or member advocating a point of view is provided access to association media, newsletters, or internet websites 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, 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.
8. The association shall provide access to the common area meeting space, if any exists, during a campaign, at no cost, to all candidates, including those who are not incumbents, and to all members advocating a point of view, including those not endorsed by the board, for purposes reasonably related to the election.
9. The inspector or inspectors of elections may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspector or inspectors of elections deem appropriate, provided that the persons are independent third parties.
10. The association shall retain, as association election materials, 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 30 days before the ballots are distributed. The association or member shall report any errors or omissions to either list to the inspector or inspectors who shall make the corrections within two business days.
11. The association shall disqualify a person from nomination as a candidate for not being a member of the association at the time of the nomination.
12. If title to a separate interest parcel is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person to be a member for purposes of this article.
13. A person shall be disqualified from nomination as a candidate for any of the following reasons:
 - A. The nominee is not current in the payment of regular and special assessments. *(A director shall also be current in the payment of regular and special assessments.)*
 - B. The nominee, if elected, would be serving on the board at the same time as another person who holds a joint ownership interest in the same separate interest parcel as the person and the other person is either properly nominated for the current election or an incumbent director.
 - C. The nominee has been a member of the association for less than one year.
 - D. The nominee discloses, or the association is aware or becomes aware of, a past criminal conviction that would, if the person was elected, either prevent the association from purchasing the fidelity bond coverage required by Section 5806 or terminate the association's existing fidelity bond coverage.
14. A nominee shall not be disqualified for nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party. The person shall not be disqualified for failure to be current in payment of regular and special assessments if either of the following circumstances is true:
 - A. The person has paid the regular or special assessment under protest pursuant to Section 5658.
 - B. The person has entered into a payment plan pursuant to Section 5665.
15. A person shall not be disqualified from nomination if the person has not been provided the opportunity to engage in internal dispute resolution pursuant to Article 2 (commencing with Section 5900) of Chapter 10.
16. Candidates may be nominated by another member or by self-nomination.

17. Candidates may *not* be nominated from the floor of membership meetings.
18. Write-in candidates on ballots are *not* permitted.
19. A member shall not be denied a ballot for any reason other than not being a member at the time when ballots are distributed.
20. A ballot shall not be denied to a person with general power of attorney for a member.
21. The ballot of a person with general power of attorney for a member shall be counted if returned in a timely manner.
22. The inspector or inspectors of elections shall deliver, or cause to be delivered, at least 30 days before an election, to each member, both of the following documents:
 - A. The ballot or ballots.
 - B. A copy of the election operating rules. Delivery of the election operating rules may be accomplished by either of the following methods:
 - (1) Posting the election operating rules 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:"
 - (2) Individual delivery.
23. Election operating rules shall not be amended less than 90 days prior to an election.
24. The association, through its Board of Directors, shall select an independent third party or parties as an inspector of elections. The number of inspectors of elections shall be one or three. For the purposes of this section, an independent third party includes, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensee of the California Board of Accountancy, or a notary public. An independent third party may be a member, but may not be a director or a candidate for director or be related to a director or to a candidate for director. 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.
25. The inspector or inspectors of elections shall do all of the following:
 - A. Determine the number of memberships entitled to vote and the voting power of each.
 - B. Determine the authenticity, validity, and effect of proxies, if any.
 - C. Receive ballots.
 - D. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
 - E. Count and tabulate all votes.
 - F. Determine when the polls shall close, consistent with the governing documents.
 - G. Determine the tabulated results of the election.
 - H. Perform any acts as may be proper to conduct the election with fairness to all members in accordance with this article, the Corporations Code, and all applicable rules of the association regarding the conduct of the election that are not in conflict with this article.
26. An inspector of elections shall 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. If there are three inspectors of elections, the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report made by the inspector or inspectors of elections is prima facie evidence of the facts stated in the report.
27. The association shall provide general notice of the procedure and deadline for submitting a nomination at least 30 days before any deadline for submitting a nomination. Individual notice shall be delivered pursuant to Section 4040 if individual notice is requested by a member.
28. The association shall provide general notice of all of the following at least 30 days before the ballots are distributed:
 - A. The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector or inspectors of elections.
 - B. The date, time, and location of the meeting at which ballots will be counted.
 - C. The list of all candidates' names that will appear on the ballot.
 - D. Individual notice of the above paragraphs shall be delivered pursuant to Section 4040 if individual notice is requested by a member.
29. Ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the association to every member not less than 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. The association shall use as a model those procedures used by California counties for ensuring confidentiality of vote by mail ballots, including all of the following:
 - A. The ballot itself is not signed by the voter, but is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left-hand corner of the second envelope, the voter shall sign the voter's name, indicate the voter's name, and indicate the address or separate interest identifier that entitles the voter to vote.
 - B. The second envelope is addressed to the inspector or inspectors of elections, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector or inspectors of elections. The member may request a receipt for delivery.

30. A quorum shall be required only if so stated in the governing documents or other provisions of law. If a quorum is required by the governing documents, each ballot received by the inspector of elections shall be treated as a member present at a meeting for purposes of establishing a quorum.
31. The association shall allow for cumulative voting using the secret ballot procedures provided in this section, if cumulative voting is provided for in the governing documents.
32. Except for the meeting to count the votes required in subdivision (a) of Section 5120, an election may be conducted entirely by mail unless otherwise specified in the governing documents.
33. In an election to approve an amendment of the governing documents, the text of the proposed amendment shall be delivered to the members with the ballot.
34. The sealed ballots, signed voter envelopes, voter list, proxies, and candidate registration list shall at all times be in the custody of the inspector or inspectors of elections or at a location designated by the inspector or inspectors until after the tabulation of the vote, and until the time allowed by Section 5145 for challenging the election has expired, at which time custody shall be transferred to the association. If there is a recount or other challenge to the election process, the inspector or inspectors of elections shall, upon written request, make the ballots 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.
35. For purposes of this article, the following definitions shall apply:
 - A. "Proxy" means a written authorization signed by a member or the authorized representative of the member that gives another member or members the power to vote on behalf of that member.
 - B. "Signed" means the placing of the member's name on the proxy (whether by manual signature, typewriting, telegraphic transmission, or otherwise) by the member or authorized representative of the member.
 - C. Proxies shall not be construed or used in lieu of a ballot. An association may use proxies if permitted or required by the bylaws of the association and if those proxies meet the requirements of this article, other laws, and the governing documents, but the association shall not be required to prepare or distribute proxies pursuant to this article.
 - D. Any instruction given in a proxy issued for an election that directs the manner in which the proxyholder is to cast the vote shall be set forth on a separate page of the proxy that can be detached and given to the proxyholder to retain. The proxyholder shall cast the member's vote by secret ballot. The proxy may be revoked by the member prior to the receipt of the ballot by the inspector of elections as described in Section 7613 of the Corporations Code.
36. 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.
37. Pursuant to Corporations Code 7611:
 - A. The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to notice of any meeting of members. Such record date shall not be more than 90 nor less than 10 days before the date of the meeting. If no record date is fixed, members at the close of business on the business day preceding the day on which notice is given or, if notice is waived, at the close of business on the business day preceding the day on which the meeting is held are entitled to notice of a meeting of members. A determination of members entitled to notice of a meeting of members shall apply to any adjournment of the meeting unless the board fixes a new record date for the adjourned meeting.
 - B. The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to vote at a meeting of members. Such record date shall not be more than 60 days before the date of the meeting. Such record date shall also apply in the case of an adjournment of the meeting unless the board fixes a new record date for the adjourned meeting. If no record date is fixed, members on the day of the meeting who are otherwise eligible to vote are entitled to vote at the meeting of members or, in the case of an adjourned meeting, members on the day of the adjourned meeting who are otherwise eligible to vote are entitled to vote at the adjourned meeting of members.
 - C. The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to cast written ballots (Section 7513). Such record date shall not be more than 60 days before the day on which the first written ballot is mailed or solicited. If no record date is fixed, members on the day the first written ballot is mailed or solicited who are otherwise eligible to vote are entitled to cast written ballots.
 - D. The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to exercise any rights in respect of any other lawful action. Such record date shall not be more than 60 days prior to such other action. If no record date is fixed, members at the close of business on the day on which the board adopts the resolution relating thereto, or the 60th day prior to the date of such other action, whichever is later, are entitled to exercise such rights.
38. The Board of Directors shall determine the date, time, and place of Meetings of the Members in accordance with the Association's Bylaws.
39. 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 meeting.

40. Members entitled to vote may do so in person, by secret ballot, or by proxy.
41. Pursuant to Corporations Code section §7615:
 - A. If the articles or bylaws authorize cumulative voting, but not otherwise, every member entitled to vote at any election of directors may cumulate the member's votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which the member is entitled, or distribute the member's votes on the same principle among as many candidates as the member thinks fit. An article or bylaw provision authorizing cumulative voting may be repealed or amended only by approval of the members (Section 5034), except that the governing article or bylaw provision may require the vote of a greater proportion of the members, or of the members of any class, for its repeal.
 - B. No member shall be entitled to cumulate votes for a candidate or candidates unless the candidate's name or candidates' names have been placed in nomination prior to the voting and the member has given notice at the meeting prior to the voting of the member's intention to cumulate votes. If any one member has given this notice, all members may cumulate their votes for candidates in nomination.
 - C. In any election of directors by cumulative voting, the candidates receiving the highest number of votes are elected, subject to any lawful provision specifying election by classes.
 - D. In any election of directors not governed by subdivision (c), unless otherwise provided in the articles or bylaws, the candidates receiving the highest number of votes are elected.
 - E. Elections for directors need not be by ballot unless a member demands election by ballot at the meeting and before the voting begins or unless the bylaws so require.
42. The polls for any vote of the Membership shall be open from the date the ballots are distributed to the Membership until closed by the inspector or inspectors of elections.
43. The inspector or inspectors of elections may promulgate rules he/she/they deem appropriate to conduct the election meeting in a fair and orderly manner including, but not limited to:
 - A. specifying the distance all persons shall remain from the ballot counting area or inspector's work area;
 - B. designating specific areas where persons in attendance must remain and/or are forbidden to go;
 - C. talking or whispering;
 - D. use of electronic devices;
 - E. recording, taping, streaming, or photographing of any portion of the proceedings;
 - F. communicating with the inspector or inspectors of elections and/or any other person involved in the election process.
44. The inspector or inspectors of elections may cause the removal of any person or persons who, in the inspector's or inspectors' sole discretion or determination, is/are interfering with or disrupting the member meeting or election process.
45. Candidates names shall be listed on the ballot in alphabetical order by last name with incumbents noted accordingly.
46. If a member loses his or her ballot, a replacement ballot may be obtained from the inspector or inspectors of election. However, if a ballot envelope is already on file for the Member's unit, then a replacement ballot shall not be issued.
47. If more than one ballot is received by the inspector or inspector of elections from the same Unit, the earliest ballot received shall be the ballot that is counted.
48. Once a secret ballot is received by the inspector or inspectors of elections, it shall be irrevocable.
49. The inspector or inspectors 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.
50. 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, the inspector of elections shall nonetheless open and tabulate the ballots.
51. The tabulated results of the election shall be promptly reported to the board and shall be recorded in the minutes of the next meeting of the board and shall be available for review by members of the association. Within 15 days of the election, the board shall give general notice pursuant to Section 4045 of the tabulated results of the election.
52. If there is a recount or other challenge to the election, the Member or Members requesting the recount or other challenge shall be responsible, jointly and severally, for payment of any costs and fees associated with the recount or other challenge. The Association may charge all costs and fees to the requesting Member's or Members' accounts as a Special Assessment. The inspector or inspectors of elections, the Association, and/or any other entity may require partial or full payment prior to commencing a recount or addressing any other challenge.
53. If there is a tie vote in an election of directors, a run-off election shall be held between only those candidates who were tied for the open seat(s). Nominations shall not be reopened. The run-off election shall be conducted in accordance with the association's Bylaws, other governing documents and applicable law. Until the tie is resolved, the other newly elected directors shall be seated and immediately begin serving their terms if it can be determined which seats the winners are entitled to receive.
54. The inspector or inspectors of elections may delegate tasks in the performance of their duties consistent with this article and the governing documents
55. The Board of Directors may remove and replace any inspector or inspectors of elections prior to the tabulation of ballots if an inspector or inspectors of elections resigns or if the board reasonably determines that an inspector or inspectors of elections will not be able to perform their duties impartially and in good faith.