

Las Mariannas Homeowners Association
ELECTION POLICES AND PROCEDURES

The polices set forth herein is pursuant to California Civil Code section 1363.03 for use by the Las Mariannas Homeowners Association (" Association") at any time the members of the Association are called upon to vote for the election of Directors, or on any other issue. All elections within the Association shall be governed by the following guidelines:

1. Equal access to Association Media. Candidates for the Board of Directors and members advocating a point of view will be provided equal access to Association media, newsletters to internet Wed sites during a campaign for purposes reasonably related to that election. Association may not edit or redact any content in the communications, but may include a statement that the Association is not responsible for the content.

- Associations must maintain a candidate list and voter list, which shall include the name, voting power, and either a physical address of the voter's separate interests, parcel number or both and the mailing address if different from the physical address. The Association must permit members to verify their personal information on both lists 30 days prior to the ballots being distributed. As of January 1, 2020, a member will also be able to inspect the member voters list and email addresses on file unless the owners "opts out" of sharing their email address.

2. Equal Access to Association Common Area. All candidates and members advocating a point of view will be provided equal access to the common area meeting space during a campaign, if any exists, at no cost, for purposes reasonably related to the election.

3. Meeting of Members to Elect Directors. The annual meeting of members to elect Directors shall be held each year in the same month as the month in which the first organizational meeting was held, on the properties or as close thereto as practicable, as may be designated from time to time by the Board of Directors.

4. Record Date for Notice of Meetings. The Board of Directors may establish record dates for those members of the Association entitled to notice pursuant to California Corporations Code section 7611. Such date shall not conflict with other notice requirements imposed by the governing documents.

5. Record Date for Eligibility to Vote. The Board of Directors of the Association may establish the record date for purposed of identifying those individuals entitled to voting pursuant to Corporations Code section 7611. Such date shall not conflict with other voting requirements imposed by the governing documents.

6. Eligibility to Vote. Each property is entitled to one (1) vote, cast by either the majority owner of the property, or if owned by husband and wife, either spouse attending in person or by proxy shall be entitled to cast the entire vote.

7. Quorum. The presence in person or by proxy of the members entitled to vote at least fifty percent (51%) of the Net Total Votes within the Association, as defined in the Bylaws, shall constitute a quorum.

8. Adjournment Where a meeting cannot be held due to lack of achieving quorum, the members present may adjourn the meeting to a time not less than forty eight hours (48) nor more than thirty (30) days from the time the original meeting was called. At such meeting, the quorum requirement shall be the presence, in person or by written proxy, of the members entitled to vote at least fifty one percent (51%) of the Total Votes.

9. Candidates Elected. The candidate receiving the highest number of votes shall be elected to office.

10. Candidate Qualifications.

- A. Candidates for the Board of Directors must be Association members.
- B. Candidates must be "bondable" (insurable) under the provisions of the Association's fidelity bond, or any other insurance policy issued to the Association.
- C. **Term Limits.** Upon completion of five (5) consecutive years as a director, no member may be elected to the position of director until two (2) consecutive years have passed from the time the member concluded her/his term as a director. If, in any election commenced during the member's two (2) year waiting period, there are not a sufficient number of qualified candidates nominated, the director awaiting the expiration of the two (2) year period may seek election to the position of director. If, due to an absence of candidates, he/she is elected as a director during the first year of the waiting period, the director may not seek election the following year if there are enough members nominated for a director position, but must wait one (1) year to conclude the waiting period.

11. Appointment of Inspectors of Election. The Board of Directors shall appoint one or three independent inspector(s) of Election no less than seventy-five (75) days prior to the meeting.

12. Qualifications for Inspectors of election. Inspector(s) of election must be "independent" third party or parties, which includes, but is not limited to the following:

- A. Volunteer poll worker with the County;
- B. California Board of Accountancy licensee;
- C. Notary Public;
- D. Member of Association, but not a Board member, or a candidate, or related to a Board member or a candidate;
- E. An entity established whose primary purpose is to provide inspector of election services for the conducting of homeowner association meetings.
- F. Not a person or entity presently under contract to the Association for compensation, unless previously expressly authorized by rules adopted pursuant to applicable California law.

13. The Inspector(s) of election shall perform the following functions:

- A. Determine the number of memberships entitled to vote and the voting power of each.
- B. Determine the authenticity, validity, and effect of proxies (where applicable);
- C. Receive ballots;
- D. Hear and determine all challenges and questions concerning the right to vote;
- E. Count and tabulate all votes;
- F. Determine when the polls close;
- G. Determine the result of the election; and
- H. Perform any acts proper to conduct the election with fairness to all members that are not in conflict with this statute.

14. General Election Policies

- A. To ensure the effectiveness of the secret balloting process required by Civil Code section 1363.03, only official balloting materials distributed by the association may be counted. Materials must be returned accounting to the policies established herein below. Balloting materials will not be received by facsimile, or any other electronic transmission means. Steps shall be taken to ensure that each member may obtain any of the balloting materials, either by mail or physically at the meeting.
- B. SB232 requires (90) day notice of all Annual Meeting, Candidate Request form and meeting location, date and time.
- C. All balloting materials must be properly completed and provide all information requested. Only properly filled out ballots and election materials shall be counted. However, balloting materials properly identifying an owner, but improperly voted, may be used for the establishment of quorum.
- D. Any ballot returned by an owner who has exercised his right to vote cumulatively shall be considered evidence of that owner's intent to vote cumulatively at the meeting and satisfy the requirements of Corporations code section 7611.
- E. Once a ballot is returned to the Inspector(s) of Election, that vote is deemed final and the ballot is irretrievable.
- F. Management shall provide to the Inspector(s) of Election a membership list identifying each Owner of the property entitled to notice, as of the record date for the giving of notice.
- G. Management shall provide to the Inspector(s) of Election a membership list for purposes of voting, identifying each owner of a property entitled to vote as of the record date for voting.

15. All elections including, but not limited to, matters relating to assessments, election of Directors, amendments to governing documents, or the grant of exclusive use common area property must be held by secret ballot by following the procedure below. Unless otherwise specified, only an election of Directors, or the removal of Directors, need be conducted at a meeting of the members:

- A. Any instructions in the proxy that direct the manner in which the proxy holder is to cast the vote must be set forth on a separate page that can be detached and given to the proxy holder to retain, so the proxy holder casts the member's vote by secret ballot. Neither the voter nor the property address may be identified on the secret ballot.

- B. Ballots and two (2) preaddressed envelopes with instructions must be mailed first-class mail or delivered to every member not less than thirty (30) days prior to the deadline for voting.
- C. Associations are to use as a model the California county procedures for ensuring confidentiality of voter absentee ballots, including the following:
 - i. The ballot is not signed by the voter, but is inserted into the blank envelope and sealed.
 - ii. The blank envelope is then inserted into the second envelope addressed to the inspector(s) and sealed, and in the upper left hand corner of the envelope, the voter must print and sign their name, address, and lot, parcel, or unit number that entitles them to vote.
- D. All votes are to be counted and tabulated by inspector (s) at an open meeting of the board or members, at which any candidate or member may witness the counting and tabulating of votes.
- E. Results of the election must be reported promptly to the Board, recorded in the next meeting minutes, available for review by members, and publicized to the members, within fifteen (15) days of election.
- F. After tabulation, election ballots must be stored by the Association in a secure place for no less than one year after the election.