

# CCGOA, Inc.

## ELECTION POLICIES AND PROCEDURES

The following “Election Policies & Procedures” are intended to comply with the requirements set forth in *Civil Code* § 5105 in order to conduct any Association election that requires the use of secret ballots.

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, or internet Web sites during a campaign for purposes reasonably related to that election. The 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.
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 during the first week of January on a date, time, and place in Long Beach, Los Angeles County, California, as designated by the Board in the notice of meeting.
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* § 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 purposes of identifying those individuals entitled to vote pursuant to *Corporations Code* § 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 the member representing a majority interest in such property. If such property is owned by husband and wife, either spouse attending in person or by proxy shall be entitled to cast the entire vote for that property.

7. Suspension of Voting Rights. The Board of Directors of the Association shall have the authority to suspend the voting rights of any member to vote at any meeting of the members, pursuant to the Association's governing documents, or California law.
8. Proxies. Every member entitled to cast a vote at a meeting of the members shall be entitled to vote either in person or by proxy executed by that member or his/her duly authorized agent and filed with the Secretary of the Association.

The Association will not distribute proxies for elections. For those elections which proxies are used, in order to be counted, the proxy must (a) identify the proxy holder (who must physically attend the meeting for which the proxy is being exercised, (b) contain voting instructions, and (c) be signed by the Owner issuing the proxy (the proxy giver). Any instruction given in a proxy issued for an election that directs the manner in which the proxy holder is to cast the vote must 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 must cast the proxy giver's vote by secret ballot.

In the event multiple proxies are submitted, the later dated proxy shall be recognized for voting purposes, unless a completed ballot has at any time previously been forwarded to the Inspector(s) of Elections.

9. Quorum. The presence in person or by proxy of a majority of the members entitled to vote at any meeting shall constitute a quorum.
10. Adjournment. Where a meeting cannot be held due to lack of achieving quorum, the members, in person or by proxy, representing at least twenty-five percent (25%) of the total voting power of the Association may adjourn the meeting to a time not less than 48 hours nor more than thirty (30) days from the time the original meeting was called. At such adjourned meeting, the quorum requirement shall be the presence, in person or by proxy, of a majority of the members entitled to vote at any meeting.
11. Candidates Elected. The candidate receiving the highest number of votes shall be elected to office.
12. Candidate Qualifications.

A. A candidate for the Board of Directors must be a member of the

Association, must be certified by the Association’s secretary that he or she is in good standing with the Association (i.e., not in violation of the Association’s governing documents) and is current in the payment of assessments, both at the time his or her name is placed in nomination, and as of the election date. The failure to comply with this section shall in no way invalidate the election of other candidates who were in compliance with these qualifications.

B. Candidates must be “bondable” (insurable) under the provisions of the Association’s fidelity bond, or any other insurance policy issued to the Association.

13. Balloting Periods. The voting period shall commence when the first ballot is mailed or delivered to an Owner, and shall end at such time as the Inspector(s) of Election determine the polls close, in accordance with *Civil Code* § 5110(c).

14. Nomination. Nominations for election to the Board of Directors may be made by a Nominating Committee, personal declaration of candidacy, or any other member. If the Board chooses to appoint a Nominating Committee, it shall consist of two (2) or more members, appointed by the Board. The Nominating Committee may nominate any number of qualified individuals, but not less than the number of Directors to be elected. Nominations shall also be allowed from the floor at the meeting.

15. 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.

16. 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; and
- F. Any person or entity presently under contract to the Association for compensation.

17. 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.

18. General Election Policies

- A. To ensure the effectiveness of the secret balloting process required by *Civil Code* § 5115, only official balloting materials distributed by the Association may be counted. Materials must be returned according 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. 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.
- C. Once a ballot is returned to the Inspector(s) of Election, that vote is deemed final and the ballot is irretrievable.
- D. Management shall provide to the Inspector(s) of Election a membership list identifying each Owner of a property entitled to notice, as of the record date for the giving of notice.
- E. 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.

19. Elections relating to assessments legally requiring a vote, election and removal of Directors, amendments to governing documents, or the grant of exclusive use common area property pursuant to *Civil Code* § 4600 must be held by secret ballot by following the procedure below.
  - A. As referenced herein, 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 the 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.