

**ELECTION OPERATING RULES**  
**(Adopted 01, 21st, 2025)**

**A. GENERAL**

1. In addition to the Bylaws that comply with the Davis-Stirling Act, this association shall follow the within Election Operating Rules.
2. Except for the meeting to count the votes, an election may be conducted entirely by mail, by electronic secret ballot, or by a combination of mail and electronic secret ballot. Members may opt out of electronic balloting by written notice to the association no less than 90 days prior to the Annual Meeting of the Members.
3. The presence of 50% of the voting power at a Meeting of the Members shall constitute a quorum. A quorum shall be required per Bylaws Article IV Section 5. Each Member, written ballot, electronic ballot, or valid proxy shall be treated as a member present at a meeting for the purposes of establishing a quorum. Once the quorum is established, a substantive vote of the members shall not be taken on any issue other than the issues specifically identified in the electronic ballot, if applicable.
4. Per Bylaws Article V Section 4, this association shall allow for cumulative voting using the secret ballot procedures for candidates whose names have been placed into nomination prior to the voting.
5. Per Bylaws Article IV Section 7, every Member (or their duly authorized agent) of this association entitled to vote shall have the right to execute a written proxy which shall be filed with the Secretary of the Association. No such proxy shall be valid after the expiration of eleven months from the date of its execution unless otherwise provided in the proxy, except that the maximum term of any proxy shall be three years from the date of execution.
6. Notwithstanding any other law or provision of the governing documents, elections regarding assessments, legally required member approvals, election, and removal of directors, amendments to the governing documents, or the grant of exclusive use of common area shall be held by secret ballot. This association permits the inspector(s) of elections to utilize electronic secret balloting in compliance with the law and the within rules, except for elections regarding regular or special assessments. This also governs an election on any topic that is expressly identified in these election operating rules.
7. If title to a separate interest 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 the within rules.

**B. BOARD OF DIRECTORS**

1. Bylaws Article V Section 3 provides that this association shall hold an annual Meeting of the Members to elect five directors serving concurrent terms. All directors shall hold office until their respective successors are elected.
2. This association permits any member to self-nominate for director or elected position candidacy. This association, pursuant to the Civil Code section 5105(i), does not permit the nomination of candidates from the floor of Membership Meetings.

**C. CAMPAIGN RULES**

1. Any candidate or member advocating a point of view shall be provided equal access to existing association media, newsletters, or internet websites during a campaign, for purposes that are reasonably related to that election regardless of their point of view, including those not endorsed by the Board, if provided. This association shall not

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edit or redact any content from these communications but may include a statement specifying that the candidate or member, and not this association, is responsible for that content.

2. All candidates, including those who are not incumbents, and all members advocating a point of view, including those not endorsed by the board, shall have access to the common area meeting space, during a campaign, at no cost, for purposes reasonably related to the election.

### **D. BALLOT REQUIREMENTS**

1. This association's inspector(s) of elections is required to cause individual delivery to each member, who is not voting electronically, by first-class mail, or cause to be individually delivered, at least 30 days before an election, the election ballot(s), two pre-addressed envelopes with instructions on how to return the ballot(s) and a copy of these election operating rules.
2. The delivery of these election operating rules may be accomplished by mailing or by 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:"
3. The ballot(s) will specify the times at which polls will open and close, that cumulative voting is permitted, the voting power of each membership, and the voting period for elections.
4. This association shall not deny a ballot to any member, or to any person with general power of attorney for a Member, for any reason other than not being a Member at the time when ballots are distributed.
5. To preserve confidentiality, a voter may not be identified by name, address, lot, parcel, or unit number on the ballot.
6. This association shall use as a model those procedures used by California counties for ensuring the 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(s), who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector(s) of elections. The member may request a receipt for delivery of that ballot.
7. 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. The text of the proposed amendment may be delivered via electronic means to those members who vote by electronic secret ballot. Members who vote by electronic ballot may request, at no charge, that the association deliver a written copy of the proposed amendment text.
8. Once cast, a written ballot is irrevocable.

### **E. DISQUALIFICATION OF NOMINEES**

1. This association shall permit all candidates to run if nominated, except as follows:
  - a. This association shall disqualify a person from nomination as a candidate if that person is not a member of

this association at the time of the nomination.

b. This association may disqualify a person from nomination as a candidate if that person:

- i. 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;
- ii. 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 Civil Code required insurance or terminate the association's such existing insurance coverage as to that person;
- iii. Is not current in the payment of regular and/or special assessments, which are consumer debts subject to validation. If this association requires a nominee to be current in the payment of regular and special assessments, it shall also require a director to be current in the payment of regular and special assessments;
- iv. Has been a member of the association for less than one year.

c. This association shall not disqualify a nominee for assessment nonpayment if:

- i. The nominee's nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party.
- ii. The nominee's nonpayment of assessments where the nominee has not been provided the opportunity to engage in internal dispute resolution.
- iii. The nominee has paid the regular or special assessment under protest.
- iv. The nominee has entered into and is in compliance with an assessment payment plan.

2. This association shall not disqualify a nominee who has not been provided the opportunity to engage in internal dispute resolution.
3. This association requires each director to comply with the herein-stated requirements to maintain their qualification to serve as director.

#### **F. INSPECTOR OF ELECTIONS**

1. On behalf of this association, the Board shall appoint an independent third party or parties as inspector(s) of elections. The number of inspectors of elections shall be one or three. 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.
2. 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 this association for any compensable services other than serving as an inspector of elections.
3. This association shall retain both a candidate registration list and a voter list. The candidate list shall include the names and addresses of individuals nominated as candidates for election to the board of directors. The voter list shall include the 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. This association shall permit members to verify the accuracy of their individual information on both lists at least 30 days before the ballots are distributed. This association or the member shall report any errors or omissions to either list to the inspector or inspectors who shall make the corrections within two business days.

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4. 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.
  - c. Receive ballots. Opening or otherwise reviewing electronic secret ballot tally sheets before the time and places of tabulation is prohibited.
  - 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 of the ballots, including those submitted pursuant to the members' general power of attorney which were returned in a timely manner.
  - 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 these operating rules, the Corporations Code, and all applicable rules of this association regarding the conduct of the election that are not in conflict with these election operating rules.
5. Inspector(s) of elections shall perform all duties impartially, in good faith, to the best of the election inspector's ability, as expeditiously as is practical, and in a manner that protects the interests of all members of the association. Any report made by the inspector(s) of elections is prima facie evidence of the facts stated in the report.
6. The sealed ballots, signed voter envelopes, tally sheets of votes cast by electronic secret ballot, voter list, proxies, and candidate registration list shall at all times be in the custody of the inspector(s) of elections or at a location designated by the inspector(s) until after the tabulation of the vote, and until the time allowed for challenging the election has expired, at which time custody shall be transferred to this association. If there is a recount or other challenge to the election process, the inspector(s) of elections shall, upon written request, make the ballots and electronic ballot tally sheets 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.
7. An inspector is allowed to appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspector(s) deem appropriate, provided that the persons are independent third parties that meet the requirements to be an inspector.

### **G. NOTICE**

1. This 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 of director candidates or in recall elections. Individual notice shall be delivered if individual notice is requested by a Member.
2. This association shall provide general notice of all of the following at least 30 days before the ballots are distributed:

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- a. The date and time by which, and the physical address where ballots are to be submitted, returned by mail, or handed to the inspector(s) of elections.
- b. If electronic secret ballots are used, then this notice must also state the deadline by which date and time the electronic submission must be made along with preliminary instructions on how to vote via electronic ballot. (Notice for electronic voting shall be given by individual delivery.)
- c. The date, time, and location of the meeting at which quorum will be determined, and at which ballots will be counted.
- d. The list of all candidates' names that will appear on the ballot.
- e. Civil Code Section 5115(b) statement shall be included giving notice that the association may call a subsequent meeting at least 20 days after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be lowered to 20 percent of the association's members voting in person, by secret ballot, or by proxy.
- f. Individual notice of the above paragraphs shall be delivered if individual notice is requested by a member.

### **H. VOTING BY ACCLAMATION**

The Civil Code provisions regulating elections by acclamation shall be used. If the number of qualified candidates is not more than the number of vacancies to be elected, as determined by the inspector(s) of elections, the association may consider the qualified candidates elected by acclamation if all of the following conditions are met:

1. The association has held a regular election for the directors in the past three years. The three-year time period shall be calculated from the date ballots were due in the last full election to the start of the voting of the proposed election;
2. The association provided individual notice of the election and the procedure for nominating candidates with at least **90 days** before the deadline for submitting nominations;
3. The early call for candidate notice includes the number of board positions that will be filled at the election, the deadline for submitting nominations, the manner in which nominations can be submitted, and a statement informing the members that if at the close of the time period for making nominations there are the same number or fewer qualified candidates as there are board positions to be filled, then the board of directors may after voting to do so seat the qualified candidates by acclamation without balloting;
4. Association must mail (or email if consented to in writing) a reminder notice 7 to 30 days before the deadline to submit nominations that contain all the information in the notice above, plus the list of qualified candidates' names existing as of the reminder mailing date;
5. Association provides, within seven business days, a written or electronic communication acknowledging the nomination and indicating to the nominee whether they are or are not a qualified candidate; and
6. Association Board votes to consider the qualified candidates elected by acclamation at a meeting for which the agenda item reflects the name of each qualified candidate that will be seated by acclamation if the item is approved.

### **I. ELECTRONIC BALLOTING**

1. Director elections, recalls or elections upon any issue requiring the consent of the membership, except for elections

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regarding regular or special assessments, of this association may be conducted via the use of an electronic secret ballot, provided that the written secret ballot and electronic ballot contain the same list of items being voted on, and the association or the inspector(s) of elections provide individual notice to each member voting electronically of the following:

- a. Association shall provide individual notice, delivered pursuant to Civil Code section 4040, at least 30 days before the deadline to opt out of voting by electronic secret ballot the member's current voting method (120 days before the Meeting of the Members), the email address that will be used for voting by electronic secret ballot, an explanation that the member is required to opt out of voting by electronic secret ballot if the member elects to vote by written secret ballot, an explanation of how the member may opt out, and the deadline by which the member is required to opt out.
  - b. Member may change their preferred method of voting, with respect to the secret ballot, no later than 90 days before the elections.
  - c. Inspector(s) of elections must ensure that the secret ballot voting system provides a method to authenticate the voting member's identity and provides a receipt to the member indicating an electronic ballot was cast.
  - d. Inspector(s) of elections must ensure that the internet-based voting system ensures the secrecy and integrity of each ballot, ensuring that the electronic secret ballot is not altered in transit.
  - e. The electronic voting system shall have the ability to separate any authenticating or identifying information from the electronic secret ballot, rendering it impossible to connect an election ballot to a specific member. The electronic voting system shall store and keep electronic secret ballots accessible to election officials and their authorized representatives for recount, inspection, and review purposes.
  - f. Inspector(s) of elections must provide a method for the members to confirm that their electronic device can successfully communicate with the internet-based voting system at least 30 days before the voting deadline.
2. Member for whom the association does not have an email address by the time at which ballots are to be distributed will receive a written secret ballot. Members voting electronically are required to provide a valid email address to the association.
  3. Inspector(s) of elections, on behalf of association, shall deliver individual notice (to an address, location, or system designated by the member) of the electronic secret ballot, if used, to each electronically voting member, 30 days before the election and shall contain instructions on the following:
    - i. How to obtain access to the association's internet-based system;
    - ii. How to vote by electronic secret ballot; and
    - iii. The date and time by which electronic secret ballots are to be transmitted to the internet-based voting system.
  4. An electronic secret ballot is effective and irrevocable when transmitted.
  5. Association will maintain a voting list identifying which members will vote by electronic secret ballot and which members will vote by written secret ballot.
  6. Association will include information on the procedure to opt out of voting by electronic secret ballot in its annual statement prepared pursuant to Civil Code section 5310.

These Election Operating Rules are intended to be compliant with the California stator law. To the extent that any of these Election Operating Rules is determined to conflict with such law, the statutory law shall control.