

**LAKE ELSINORE VILLAGE
ELECTION AND VOTING RULES**

(California Civil Code Sections 5100 et seq.)

Adopted February 19, 2025

1. INTRODUCTION

These Election and Voting Rules (“Rules”) establish procedural rules for conducting membership meetings and implementing the relevant provisions of the Association's First Amended and Restated By-laws, the California Civil Code, the California Corporations Code, and California law concerning membership elections and membership voting on Secret Ballot topics (as defined below). To the extent any of the following rules are inconsistent with the Association’s First Amended and Restated By-laws or the Association’s Second Amended and Restated Declaration of Covenants, Conditions and Restrictions (collectively, “Governing Documents”) the inconsistency shall be resolved in accordance with Civil Code Section 4205. These Rules shall become operative upon publication to the Members. Terms beginning with an initial capital letter (e.g., Member, Lot) have the same definitions as given within the Governing Documents.

2. EQUAL ACCESS

If any candidate or member advocating a point of view is provided access to Association media, newsletters, or Internet Web sites 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; provided, however, the Association shall not be responsible or liable for the content of any such communications, and the Association may include a statement in the communication specifying that the candidate or member, and not the Association, is responsible for the content.

Equal access to common area meeting space, if any, shall exist 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.

3. USE OF ASSOCIATION FUNDS FOR CAMPAIGN PURPOSES PROHIBITED

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. As set forth in Civil Code Section 5135, for the purposes of this section "campaign purposes" include, but are not limited to, the following:

(a) Expressly advocating the election or defeat or any candidate that is on the Association election ballot.

(b) Including the photograph or prominently featuring the name of any candidate on a communication from the Association or its board, excepting the ballot and ballot materials, within 30 days

of an election, provided that this is not a campaign purpose if the communication is one for which subdivision (a) of Civil Code Section 5105 requires that equal access be provided to another candidate or advocate.

4. **NUMBER OF GOVERNORS, TERM OF OFFICE, NO CUMULATIVE VOTING AND QUALIFICATION FOR ELECTION.**

The Board shall consist of five (5) persons. The term of office for governors is one (1) year. Cumulative voting (giving a candidate more than one vote) is prohibited.

Pursuant to Civil Code section 5105(b), each Director must be an Owner of a Lot in the Project, and if title 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 serve as the Member of the Association on the entity's behalf for purposes of seeking to serve on the Board of Governors;

5. **NOMINATION AND PRE-BALLOT DISTRIBUTION PROCEDURES PURSUANT TO CIVIL CODE SECTION 5115.**

(a) Notice of Nomination Procedures. At least 30 days before any deadline for submitting a nomination, the Association shall provide general notice (i.e., by posting pursuant to Civil Code section 4045) of the procedure and deadline for submitting a nomination for election to the Board of Governors; provided, however, individual notice shall be delivered to any Member pursuant to Civil Code section 4040 if the Member has requested such individual notice.

(b) Submission of Nominations. A candidate for election to the Board shall be entitled to nominate himself or herself for election by submitting his or her name as a candidate using any candidacy form prescribed by the Association, provided the nomination is received by the date prescribed. A Member may be nominated by another Member for election by submitting the candidate's name as a candidate using the candidacy form prescribed by the Association, provided the form is received by the date prescribed, and provided further that any candidate who is nominated by another Member must give his/her written consent to the nomination for it be effective.

(c) Notice of List of Candidates and Ballot Information. At least 30 days before ballots for election or recall of governors are distributed to the Members, the Association shall provide the following information by general notice (i.e., by posting pursuant to Civil Code section 4045); provided, however, individual notice shall be delivered to any Member pursuant to Civil Code section 4040 if Member has requested such individual notice:

(i) 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;

(ii) The date, time, and location of the meeting at which a quorum will be determined, and at which the ballots will be counted;

(iii) The list of all candidates' names that will appear on the ballot; and

(iv) Pursuant to Civil Code section 5115, the Board of Governors 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 governors will be 20 percent of the Association's members voting in person, by proxy, or by secret ballot.

(d) Verification of Information on Candidate Registration List and Voter List. Members shall be permitted to verify the accuracy of their individual information on the candidate registration list and voter list (i.e., the list containing the name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both) at least 30 days before the ballots are distributed. The Association or Member shall report any errors or omissions on either list to the inspector(s) who shall make the corrections within two business days.

6. **ELECTION BY ACCLAMATION.**

The Association may conduct an election by acclamation provided all of the requirements and procedures set forth in Civil Code Section 5103 are met.

7. **DELIVERY OF SECRET BALLOTS AND ELECTION RULES (DELIVERY REQUIRED AT LEAST 30 DAYS BEFORE AN ELECTION)**

At least 30 days before an election, the Inspector(s) of election shall deliver, or cause to be delivered (e.g., the Inspector(s) may cause the Association's managing agent to deliver), to each Member both of the following documents:

(a) The ballot or ballots; and

(b) A copy of these Rules. Delivery of these Rules may be accomplished by either of the following methods:

(i) Posting the election operating rules to an internet website and include 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:"; or

(ii) Individual delivery, as described in California Civil Code section 4040.

8. **VOTING POWER OF EACH MEMBERSHIP, VOTER QUALIFICATIONS, AND QUORUM REQUIREMENTS**

(a) Voting Power. Each Membership shall be entitled to one (1) vote per Lot, and, in the case of election of governors, one (1) vote for each governor position open for election. Cumulative voting shall not be used in any election of governors.

(b) Legal Entity Owners. If title to a Lot 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 serve as the Member of the Association on the entity's behalf for purposes of voting on Secret Ballot Topics as provided herein and for all other purposes under Civil Code sections 5100 through 5145.

(c) Quorum Requirements. Unless otherwise provided in the Association's Governing Documents or required by law, the presence in person, by proxy, or by secret ballot of Owners representing at least twenty-five (25%) of the voting power of the membership of the Association shall constitute a quorum for the transaction of business at all Member meetings.

9. **SECRET BALLOT PROCEDURES APPLICABLE TO VOTING & PROXY USE**

Membership voting regarding assessments, election or removal of members to the Board of Governors, amendments to the governing documents, the proposed grant of exclusive use of common area pursuant to Civil Code Section 5100, and any other matters the Board determines to submit to a secret ballot vote pursuant to these Election Rules (hereinafter "Secret Ballot Topics") shall be conducted through secret ballot procedures in compliance with Civil Code Section 5100 et seq.

A Member may cast his or her vote on a Secret Ballot Topic in person at a meeting, provided the Member casts the vote using a secret ballot in compliance with Civil Code Section 5100 et seq. In the event the required quorum is not attained at an initial or adjourned meeting at which secret ballots will be used, and in the event the meeting is adjourned to another date, all secret ballots cast shall carry over until quorum is attained.

In instances, if any, where proxies are used in connection with Secret Ballot Topics, in order to be counted the proxy must (a) identify a proxyholder (who must be a member in attendance at the meeting for which the proxy is given), (b) contain voting instructions, (c) be dated and signed by the Member in good standing giving the proxy, and (d) any instruction given in a proxy that directs the manner in which the proxyholder 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 Member's vote by secret ballot in accordance with any instructions the Member provides. The Inspector(s) of Election shall be entitled to invalidate any proxy or other document purporting to cast a Member's vote used in connection with Secret Ballot Topics that does not comply with these Rules and applicable law, including the secret ballot procedures set forth in Civil Code Section 5100 et seq.

10. **VOTING AND COUNTING OF BALLOTS/PROXIES**

All votes shall be counted and tabulated by the Inspector(s) of Election in public at a properly noticed open meeting of the Board of Governors or at a properly noticed meeting of the Members. Any candidate or other member of the Association may witness the counting and tabulation of the votes from a reasonable distance, as determined by the Inspector(s) of Election.

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

11. **INSPECTORS OF ELECTION**

(a) Inspector of Elections Committee of the Association. In accordance with Civil Code Section 5110, the Board of Governors shall appoint either one (1) or three (3) independent third parties to serve as Inspector(s) of Election. An "independent third party" includes, but is not limited to, (a) a volunteer poll worker with the county registrar of voters, (b) a licensee of the California Board of

Accountancy, (c) a notary public, or (d) a member of the Association who is neither a director, a candidate for election as a director, nor related to a director or candidate for election as director. An Inspector of Election, and any person appointed by an Inspector of Election to assist in verifying signatures or in counting and tabulating votes, 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.

(b) Inspector of Elections Duties. The Inspector(s) of Election shall perform the duties set forth in Civil Code Section 5110(c).

12. CUSTODY OF BALLOT MATERIALS/ ANNOUNCEMENT OF RESULTS

Members shall return their sealed secret ballots in accordance with the procedures set forth in the instructions mailed to the Members, or as may otherwise be determined by the Inspector(s). The Sealed ballots, signed voter envelopes, voter list, proxies (if any), and candidate registration list (“Ballot Materials”) shall at all times shall be in the custody of the Inspector of Elections whether held at the Inspector of Election’s office, at a location designated by the Inspector of Elections (which may be the Association’s management company, in care for the Inspector(s) of Elections), until after the tabulation of the vote. After the tabulation of the ballots, the Inspector(s) of Elections shall continue to retain custody of the Ballot Materials until the time allowed by Civil Code section 5145 for challenging the election has expired (i.e., within one year of the date that the inspector or inspectors of elections notifies the board and membership of the election results or the cause of action accrues, whichever is later), at which time custody shall be transferred to the Association; provided, however, unless the Inspector(s) of Elections otherwise provide(s), the Inspector(s) of Elections shall retain custody of the ballots at the designated location of the Association’s management company.

The results of the election shall be promptly reported to the Board of Governors of the Association and shall be recorded in the minutes of the next meeting of the Board of Governors and shall be available for review by Members of the Association. Within 15 days following the election, the Board shall publicize the results of the election in a communication directed to all Members. In the event of a recount or other challenge to the election process, the Inspector(s) of Elections shall, upon written request, make the ballots available for inspection and review by Association Members or their authorized representatives. Any recount of ballots shall be conducted in a manner that shall preserve the confidentiality of the vote. The Association shall retain, as association election materials (see Civil Code section 5200(a)(13)), both a candidate registration list and a voter list. 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.