

WILLOWWOOD HOMEOWNERS ASSOCIATION ELECTION POLICY

The Willowwood Homeowners Association's ("Association") have adopted the following election policies for the Board of Directors' elections.

1. **Board of Directors Election.** The Board of Directors for the Association shall be composed of five (5) members. Elections for each Board of Directors member's positions shall be held upon expiration of the individual Board of Directors member's term.

2. **Qualifications of Candidates.** All candidates for the Board of Directors and any other elected position must be members of the Association in good standing. Disqualifications include: (1) if the member is delinquent by more than sixty (60) days in the payment of any assessment levied by the Association, unless such member has entered into a payment plan to pay the assessment; (2) if the member has been a member of the Association less than one year, or (3) was not a member of the Association at the time of nomination.

3. **Notice of Procedure for Nominations.** The Association shall provide general notice to all members of record of the procedure and deadline for submitting a nomination of a candidate at least 30 days prior to the deadline for submitting said nomination. Individual notice shall be delivered to the member if individual notice is requested by the member.

4. **Submitting Member's Candidacy.** Any member of the Association may nominate any other member or themselves for election to the Board of Directors. Candidates for the Board of Directors and any other elected position may submit their nominations to the Association within 60 days of the date of the election. The Association shall automatically disqualify a person from nomination if such nominee is not a member of record at the time of the nomination.

5. **Access to Communications.** The Association's election policy provides any candidate or member advocating a point of view access to Association's media, newsletters, or internet web sites during a campaign period of three weeks prior to the elections, for purposes that are reasonably related to that election. The Association would request that each candidate provide the Association a short biography with information regarding their background, if desired, no later than 3 weeks prior to the election date so that the Association may distribute the candidates' biographies to all owners prior to the election. Any biographies received after the 3 week deadline will not be included in the mailing.

6. **Association Funds.** Association funds will not be used for campaign purposes in connection with any Association Board of Director's election. Funds of the Association will 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. Campaign purposes shall include, but are not limited to, the following:

(A) Expressly advocating the election or defeat of 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 of Directors, except the ballot and ballot materials, within 60 days of an election.

Funds can be used in providing candidates equal access to Association media, newsletters and websites.

7. **General Notice of Elections.** No later than 30 days prior to ballots being distributed the Association shall provide a general notice of election, unless individual notice is requested by the member, to all members of record to their address of record the following:

- (A) The date and time by which, and the physical address where, ballots are to be returned to the inspectors.
- (B) The date, time and location of the meeting at which the ballots will be counted.
- (C) The list of candidates names that will appear on the ballot.

8. Election Inspectors. Before the election, the Board of Directors will seek one (1) or three (3) volunteers who shall be independent third parties to act as inspectors of the election results. A representative of the management company may be an inspector. The inspector or inspectors shall be allowed to appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspector or inspectors deem appropriate, provided they are also independent third parties.

An election inspector may be a volunteer poll worker with the county registrar of voters, a licensee of the California Board of Accountancy, or a notary public. An inspector may not be a member of the Board of Directors or a candidate for the Board of Directors or related to a candidate or member of the Board of Directors. An independent third party may NOT be a person or business entity who is currently employed or under contract to the Association for any compensable services.

The inspector or inspectors of election will:

- (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.
- (G) Determine the result of the election.
- (H) Perform any acts as may be proper to conduct the election with fairness to

all members and all applicable rules of the Association regarding the conduct of the election.

The inspector or inspectors of election shall perform his or their duties impartially, in good faith, to the best of his or their ability, and as expeditiously as is practical. If there are three inspectors of election, 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 election is evidence of the facts stated in the report.

9. Qualifications and Voting Powers. All members of record in good standing will be allowed to vote. If the owner of record is a business entity, then such entity shall appoint a natural person to the a member for purposes of voting. The election may be conducted by written ballot. The Association is prohibited from denying a ballot to a member or to a person with general power of attorney for a member. Each unit will have one membership vote and one vote only to be used by the owner of title of said unit. If multiple owners are on title, only one of such owners will be allowed to vote and represent the interests of the other owners.

10. Ballots. Ballots and two pre-addressed envelopes with instructions on how to return ballots will be mailed by the election inspector by first-class mail or delivered by the Association to every member of record, to their address on file, not less than 30 days prior to the deadline for voting. Write in candidates on the ballot will be allowed.

In order to preserve confidentiality, a voter will not be identified by name, address or lot, parcel, or unit number on the ballot. Members are responsible for updating their addresses with the Association and management company prior to the mailing of the ballots. The ballot itself will not be signed by the voter, but inserted into a sealed envelope. This envelope will be inserted into a second sealed envelope. In the upper left hand corner of the second envelope, the voter will print and sign his or her name, and print his or her address showing that he or she is entitled to vote.

The second envelope will be addressed to the inspector or inspectors of election. The envelope may be mailed or delivered by hand to a location specified by the inspector or inspectors of election, including the current management company. The member may request a receipt of delivery. Once a ballot is received by the inspector or inspectors, it cannot be revoked.

11. Proxies. A member or person with general power of attorney will be entitled to vote on behalf of an owner, who otherwise cannot vote for themselves. A vote by power of attorney will substitute a vote by the individual member, and cannot be used in addition to. Proxies shall not be construed or used in lieu of a ballot. For proxies to be valid they must be: (1) in writing; and (2) signed by a member of the Association or his or her power of attorney. Proxies may be used for quorum purposes only, or may direct how the proxy holder is to vote.

Any instruction given in a proxy issued for an election that directs the manner in which the proxy holder is to cast the vote will 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 will cast the member's vote by secret ballot. If the Board of Directors is directed to vote, the vote will be determined by a majority of the Board or Directors.

12. Tabulating Ballots. The sealed ballots shall be retained by the inspector or inspectors of elections or at a location designated by them until the time for tabulation of the vote. All votes will be counted and tabulated by the inspector or inspectors of election in public at a properly noticed open meeting of the Board of Directors or members. Any candidate or other member of the Association may witness the counting and tabulation of the votes. No person, including a member of the Association or an employee of the management company, will open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.

13. Election Results. The results of the election will be promptly reported to the Board of Directors of the Association and shall be recorded in the minutes of the next meeting of the Board of Directors and shall be available for review by members of the Association. Within 15 days of the election, the Board of Directors shall publicize the results of the election in a communication directed to all members.

14. Retention of Ballots. The ballots, signed voter envelopes, voter lists and candidate registration list shall at all times will be in the custody of the inspector or inspectors of election or at a location designated by the inspector or inspectors until after the tabulation of the vote, and for one (1) year after this date, at which time custody shall be transferred to the Association. In the event of a recount or other challenge to the election process, the inspector or inspectors of election will, upon written request, make the ballots available for inspection and review by Association members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.