

# VISTA DEL LAGO HOMEOWNERS ASSOCIATION

## ELECTIONS POLICY

*July 2017*

The Vista Del Lago Homeowners Association Board of Directors is composed of five (5) members who serve two (2) year terms and can be re-elected for consecutive terms for an unlimited number of times. All members of, and candidates for, the Board of Directors must be in “good standing” at all times, or be subject to removal from the Board. The following rules shall apply to the Board Elections, subject to the CC&R’s, Articles of Incorporation, and Bylaws:

- A. Secret Ballots:** Each member who is entitled to vote will receive a ballot and two preaddressed envelopes with instructions on how to return the ballots. The ballots and envelopes will be mailed to the members by certified mail at least 30 days before the deadline for voting. Once received by the inspector of elections, a ballot will become irrevocable. The ballot will be a secret ballot, which means the following (5115(a)):
- i. The ballot itself will not be signed by the voter and will be inserted into one of the envelopes. Nothing on the first envelope should identify the member (name, address, etc.). The first envelope should then be inserted into the second envelope. The member shall then place his name, address, signature, and other identifying information on the second envelope. Both envelopes must be sealed.
  - ii. The second (outside) envelope will be addressed to the inspector of elections, who will be counting the votes. The envelope can be either hand-delivered or mailed to the specified location.
- B. Campaigning:** Every candidate shall have equal access to association media, including newsletters or internet websites, during the campaign, but only for purposes related to the elections. The Association will not redact or edit content published by candidates, but will include a statement that it is not associated with the content of any candidate’s message. (CC §5105(a)) Every candidate shall also have equal access to the common area meeting spaces during a campaign, at no cost, for the purpose of advocating a point of view or other purpose reasonably related to the elections. (CC §5105(a)).

- C. **Qualifications:** In order to qualify for candidacy for the Board of Directors, or to serve as a Director on the Board of Directors, the Member who is serving on the Board or who wishes to serve on the Board, must be in "good standing." For purposes of this Policy, "good standing," means (a) the candidate/director is not delinquent in the payment of assessments and/or related charges, (b) the candidate/director does not have outstanding unpaid fines imposed pursuant to the Governing Documents and California law, (c) the candidate/director does not have outstanding violations of the Governing Documents, and (d) the candidate has never been convicted a crime involving moral turpitude.
- D. **Nominations:** Nominations for elections will be conducted by the Board or a Nominating Committee appointed by the Board. The Board or the Committee will make as many nominations as it sees fits. Additionally, any member may nominate himself/herself or another member by requesting, in writing, to be nominated or to nominate someone else. Nominations may also be made from the floor at the annual meeting.
- E. **Members' Voting Rights:** Each member shall be entitled to one (1) vote for every Condominium owned. When two or more individuals own a Condominium jointly, only one of the two individuals shall be entitled to one (1) vote, as determined amongst themselves. If both joint-owners cast a vote, it shall still count as one (1) vote, unless their votes are conflicting, in which case neither vote shall count. A member's right to vote may be suspended by the Board as a disciplinary measure pursuant to the Association's governing documents.
- F. **Proxies:** Votes may be cast by proxy. A proxy is an authorization given by a member to another individual to vote on his/her behalf. Every proxy must be filed with the Secretary of the Board before the elections. Proxies are revocable. Proxies will automatically terminate if the owner conveys title to his /her Condominium or within eleven (11) months from the date of its issuance (unless an automatic termination date is specified on the proxy for up to three (3) years). A proxy can name a specific candidate for which the member would like his/her proxy to vote for, but it does not have to. If a proxy provides directions for a specific vote, the proxy holder must vote as directed. The directions for the vote must be set forth on a separate page so that it can be detached and given to the proxy holder to retain. Proxy holders must cast the vote by a secret ballot.
- G. **Notice:** A notice of upcoming elections will be given to the members thirty (30) days before the elections, but not more than ninety (90) days before the elections. The notice will provide the deadline for voting, and the date/time of when the polls will open and close.

- H. **Inspector of Elections:** The Board will appoint an inspector of elections. The inspector must be an independent third party, including the Association's management company. The inspector may not be a candidate, or any other individual related to a candidate or who otherwise has an interest in the election of a specific candidate. The inspector may appoint and oversee additional persons (who meet the same qualifications) to verify signatures and to count votes. The Association may pay a fee to a professional inspector of elections.
- I. **Inspector's Duties:** The inspector must perform his/her duties with fairness to all members, and in accordance with these rules and California law. The inspector must act impartially, in good faith, and to the best of his/her ability. The inspector shall be responsible for the following:
- i. Determine the number of members entitled to vote and voting power of each member
  - ii. Determine the authenticity, validity and effect of proxies
  - iii. Receive ballots
  - iv. Hear and determine challenges arising in connection with the vote
  - v. Count the votes
  - vi. Determine when polls close
  - vii. Determine the results of the elections
  - viii. Perform any other acts proper to conduct the elections
- J. **Counting of Votes:** The votes will be counted by the inspector of elections in public at a properly noticed open meeting of the Board of Directors or Members. Any member or candidate may witness the counting. No individual, however, may review any ballot before the official counting of the votes.
- K. **Notice of Results:** The inspector of elections will promptly report the results of the election to the Board of Directors, and the Board will record the results in the minutes of the next regular board meeting. Moreover, within 15 days of the election, the Board will publicize the results in a communication directed to all members.
- L. **Chain of Custody:** The sealed ballots will be in the custody of the inspector of elections or at a location designated by the inspector at all times until the counting of the votes and until the time allowed by Corporations Code Section 7527 for challenging the election expires. Thereafter, the inspector of elections will transfer custody of the ballots to the Association. The Association will store the ballots in a secure place for at least one year before disposing of them.

- M. Challenges:** In case of a recount or other challenge to the election, the inspector will, upon written request, make the ballots available for inspection by a member of the Association or his/her authorized representative. Such recount must be conducted in a manner that preserves the confidentiality of the votes.
- N. Quorum:** The presence (in person, by ballot, or by proxy) of at least twenty-five percent (25%) of the voting power of the Association shall constitute a quorum for the elections. The quorum must be met in order for the results to be effective.