

# Four Fours Homeowners Association

## Election Rules & Procedures

The following rules and procedures shall apply in connection with any membership vote pertaining to the approval of assessments, an election of directors, any amendment to the governing documents, or the grant of exclusive use of common area:

### Section 1 – General Election Rules

- 1.1 The board of Directors shall determine the date, time and place of the annual meeting of the owners in accordance with the Association's Bylaws.
- 1.2 The number of directors who are scheduled to be elected and the terms for each shall be determined in accordance with the associations governing documents and stated in the notice of the meeting.
- 1.3 The notice of the meeting along with the secret ballot on which to vote and one set of double envelopes along with instructions for voting shall be mailed to all owners at least 30 days prior to the scheduled election date.
- 1.4 The record date for determining members entitled to receive notice of the meeting and entitled to vote shall be set by the board of directors. If no date is established by the board, then the record owner of each Lot as of the date that the ballots were mailed to the membership shall be titled to receive notice of the meeting and the record owner of each Lot on the date the meeting occurs shall be entitled to vote at such meeting.
- 1.5 All candidates or members advocating a point of view shall have equal access to all association media, newsletters and websites, if any, during a campaign for purposes reasonably related to that election.
- 1.6 The association will not edit or redact any content from candidate or member communication. The candidate or member offering any statement or commentary, and not the Association, is responsible for the content of any published statement or comments made. The Association may include a disclaimer specifying that the candidate or member and not the association is solely responsible for the content of the communication.
- 1.7 All candidates and members will have equal access at no cost to any common area meeting space, if any, during a campaign for purposes related to the election. The Association may meet the requirements of this section by hosting a "Meet the Candidates Night", or other such special meeting, so long as every candidate and/or member is provided with an equal opportunity to participate in the event.

1.8 Association funds may not be used for campaign purposes in connection with any board election.

1.9 Within 15 days of the election, the board of directors shall publicize the results of the election in a communication directed to all members.

### Section 2 – Candidate Qualification

2.1 The Board shall consist of five (5) directors until changed by an amendment to the Bylaws. A person must be an owner of a Lot to serve on the Board of Directors.

### Section 3 – Nomination of Candidates

3.1 All qualified nominees shall be nominated for candidacy.

3.2 Nominations may also be made from the floor at the annual meeting or such other meeting at which members of the board of directors are elected.

3.3 The Association shall mail to each owner a Candidate Nomination Form which will include a deadline for receipt by the association.

3.4 Candidates who meet the qualifications and whose nomination forms are submitted prior to the deadline for mailing will have their name printed on the secret ballot and their statements retyped verbatim and distributed to the membership.

3.5 So long as each Candidate and/or Member is provided with the same opportunities for publication, the Association may restrict the availability of any publication by limiting the printed space made available or the number of words that will be included from each Candidate or Member included in the publication. In the absence of more restrictive limitations adopted by the Board for any particular matter, each Candidate and/or Member shall be limited to no more than 250 words for any one publication. The Board may, in its sole discretion, present a candidacy questionnaire with questions for all interested Candidates and/or Members to complete. If such a questionnaire is provided, then the Association will only print the answers to such questions and may impose a limitation upon the number of words for the response to any question presented.

### Section 4 - Voting

4.1 All members who have not had their voting privileges suspended at a duly held hearing are entitled to vote. Following Notice and Hearing in compliance with Corporations Code section 7341, the Association's Board of Directors may terminate or suspend any Owner's right to vote as a penalty for violation of the Association's governing documents.

- 4.2 Pursuant to the Association's governing documents, the Association has the following voting class(es): Class A Members shall be all Owners. Class Members shall be entitled to One (1) vote for each interest, in which they hold the interest required for membership. If more than one person owns a portion of the interest in a residence required for membership, each such person shall be a Member and the vote for such Residence shall be exercised as they among themselves determine, but in no event shall, more than one (1) Class A vote be cast with respect to any Residence.
- 4.3 Members entitled to vote may do so by secret ballot or may designate a proxy holder to vote for them by secret ballot at the election.
- 4.4 Secret ballots cast by mail shall be irrevocable. As described on the outer envelope, your signature authorizes the inspector(s) of the election to serve as your proxy holder for the purposes of establishing a quorum. If, for any reason, you do not want the inspector(s) of election to act as your proxy holder, then you must indicate such by crossing out the proxy language on the outside of the envelope.
- 4.5 The polls for any vote of the membership shall be open from the date the Secret Ballot is mailed and shall close when the inspector(s) of election determine that the ballots shall be counted, unless the inspector(s) determines another time for the polls to close.

#### Section 5 – Inspectors of Election

- 5.1 The Board of Directors shall appoint one (1) or three (3) inspector(s) of election to serve at any regular or special meeting of the members. If there are three inspectors of election, the decision or act of majority shall be effective in all respects as the decision or act of all.
- 5.2 The inspector(s) may be a member of the Association provided such member is not a member of the Board of Directors or a candidate of the Board of Directors or related to a member of the Board of Directors or a candidate for the Board of Directors.
- 5.3 Inspector(s) shall be independent third parties which can also include, but not limited to, a volunteer poll worker with the county of registrar of voters, a licensed CPA, a notary public, a member of the Association or any person or entity receiving compensation from the Association.
- 5.4 The inspector(s) will determine the number of memberships entitled to vote and the voting power of each in accordance with the Association's Bylaws.
- 5.5 The inspector(s) will determine the authenticity, validity and effect of proxies, if any.
- 5.6 Unless the inspector(s) designate a different location to receive ballots, the location to receive ballots will be the association's managing agent's business office address.
- 5.7 The inspector(s) shall hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.

- 5.8 The inspector(s) shall count and tabulate all votes at a duly noticed board or member meeting in an open setting allowing members and candidates to witness the counting and tabulation of the votes
- 5.9 Anyone who is not an inspector of election, or appointed to assist the inspector(s) of election, must remain at least five feet away from the counting area. No person may interfere with, harass or otherwise communicate with the inspector(s) of election while counting is taking place. Members or persons not specifically authorized to do so may not touch any secret ballot or other election materials.
- 5.10 The inspector(s) can cause the removal of any observer who causes interference with or disrupts the counting or tabulation process. The inspector(s) may suspend the counting or tabulation of the votes if anyone causes interference with or disrupts the counting or tabulation process.
- 5.11 The inspector(s) shall determine and announce the results of the election and shall report the results of the election promptly to the Board of Directors. The results shall be recorded in the next regular session board meeting minutes.
- 5.12 An inspector of election shall perform his or her duties impartially, good in faith, to the best of his or her ability and as expeditiously as is practical.
- 5.13 The inspector(s) shall perform any acts as may be proper to conduct the election with fairness to all members in accordance with the law and all applicable rules of the Association including these election rules.
- 5.14 The Board of Directors may remove and replace any inspector of election prior to the tabulation of votes if an inspector of election resigns or if the Board of Directors reasonably determines that an inspector of election will not be able to perform his or her duties impartially and in good faith.

#### Section 6 – Ballots and Tabulation

- 6.1 Once a ballot is received by the Association it is deemed irrevocable.
- 6.2 Ballots shall ensure the confidentiality of the voter and shall not identify the voter by name, address, lot, parcel or unit number and may not require a signature.
- 6.3 The ballot itself shall be inserted into an envelope that is sealed. This envelope shall be inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter must print or sign his or her own name, and address, and lot, parcel or unit number that entitles him or her to vote. The second outer envelope is addressed to the on inspector(s) of election at the designated address.
- 6.4 Owners may return their secret ballot by mail, hand deliver it to the meeting, or complete the ballot at the meeting.

- 6.5 Only those envelopes delivered to the inspector(s) of election prior to the polls closing shall be counted. All ballots must be received via double envelopes.
- 6.6 If a member loses his or her ballot, a new one can be obtained; however, if a ballot envelope is already on file from that unit, then no new ballot will be given.
- 6.7 A member who signs or otherwise marks his or her ballot with an identifying mark waives his or her right to secrecy.
- 6.8 The sealed ballots shall at all times be in the custody of the inspector(s) of election or at a location designated by the inspectors.
- 6.9 After tabulation of the ballots and certification of the election results by the inspector(s) of election, custody of the ballots and any pertinent election materials shall be transferred to the Association for its corporate records.
- 6.10 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, which the ballots are counted and tabulated.
- 6.11 If the number of candidates is equal to or fewer than the number of open positions and tabulation is not necessary to determine term of office, then a member in attendance may make a motion to elect the slate as presented followed by a secret ballot vote of the members in attendance to elect the slate as presented. The vote count will then be waived.