

Rivertrail Homes Community Association

Election Rules Effective January 1, 2025

Pursuant to California Civil Code Sections 5100, 5103, 5105, 5110, 5115, 5125, 5145 and 5200, the following rules and procedures shall apply for the election of Directors:

1. Meeting at Which Secret Ballots Shall Be Tabulated

1.1 The Inspector(s) of Election shall tabulate the ballots for the election of directors at the annual meeting of the owners or at a special meeting of the Board of Directors duly noticed for the same date, time and place, as the annual meeting called for the purpose of counting ballots. The Board of Directors shall determine the date, time and place of said annual meeting of the owners and the concurrent special meeting of the Board in accordance with the Association's Bylaws.

2. Nomination of Candidates

2.1 At least one-hundred and ten (110) days before the date of the meeting at which the ballots for the election of directors are to be counted, the Association shall provide a notice of election that includes the call for candidates and procedure for nomination by general notice. If the Association allows for voting in an election by electronic secret ballot, the notice must include the date and time by which electronic secret ballots are to be transmitted to the internet-based voting system and preliminary instructions on how to vote by electronic secret ballot upon commencement of the voting period.

2.2 There are to be five (5) directors who must be owners.

2.3 Owners may nominate themselves or another person if they are qualified to serve on the Board. The Association permits all members to run for the Board and continue to serve on the Board except for the following:

(a) Individuals who have been members for less than a year, with membership requiring ownership of the property;

(b) Individuals with a past criminal conviction that interferes with the Association's ability to maintain insurance coverage;

(c) Individuals who are delinquent in the payment of regular or special assessments only, not including fines and other charges. Individuals who are delinquent in the payment of assessments shall be qualified to run for the Board if they make payment in full under protest or have entered into and are in compliance with a Board

approved payment plan. Delinquent Members cannot be disqualified if they have not been provided the opportunity to participate in Internal Dispute Resolution.

(d) Individuals who would be serving on the Board at the same time as another person who holds joint ownership in property.

2.4 Any candidate nominated by another person will be contacted to confirm that such candidate consents to having his or her name placed in nomination for election to the Board.

2.5 All candidates who meet the qualifications to serve on the Board and, if appropriate, have confirmed their willingness to run for election to the Board, shall be listed on the secret ballot.

2.6 Candidates are prohibited from being nominated from the floor of membership meetings.

2.7 The Candidate Nomination Form must be returned to the Association at the address provided on, and by the deadline stated on, such form. Candidate Nomination Forms received after this date will not be considered and the nominee will not be included on the ballot.

2.8 The Candidate List, notice of the date, time and address where to send the ballots or where to deliver ballots to the Inspector and date, time and address for the meeting to count the ballots must be sent out at least thirty (30) days before the ballots are mailed out. This notice must advise members to check the accuracy of their individual information on the candidate registration list and voter list. Further, the Candidate List must include the name and address of individuals nominated as a candidate for election to the Board of Directors. If the association allows for voting in an election by electronic secret ballot, the notice must include the date and time by which electronic secret ballots are to be transmitted to the internet-based voting system and preliminary instructions on how to vote by electronic secret ballot upon commencement of the voting period.

2.9 The Ballot Packet must be sent out with two pre-addressed envelopes at least thirty (30) days before the election. A copy of the Election Rules must be sent with the ballot or the ballot must state in 12-point font: "The rules governing this election may be found here: (insert website where rules posted).

3. Inspectors of Election

3.1 The Board shall appoint one (1) or three (3) independent third parties as Inspectors of Election. 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; a notary public; a member of the Association provided such member is not a member of the Board of Directors or a candidate for the Board of

Directors or related to a member of the Board of Directors and are in good financial standing with the Association.

3.2 The secret ballots shall be returned to the Inspector(s) of Election.

3.3 The Inspectors of Election shall do the following:

3.3.1 determine the number of memberships entitled to vote and the voting power of each.

3.3.2 deliver at least 30 days before the election the ballot packet including the items referenced in Section 2.8.

3.3.3 determine the authenticity, validity, and effect of proxies, if any;

3.3.4 receive ballots and appoint and oversee additional persons to verify signatures and count and tabulate votes as long as they are independent third parties, as described above;

3.3.5 hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;

3.3.6 determine when the polls shall close;

3.3.7 count and tabulate all votes;

3.3.8 determine the election results;

3.3.9 perform any acts as may be proper to conduct the election with fairness to all members in accordance with this section and all applicable rules of the Association regarding the conduct of the election that are not in conflict with this section.

3.4 An Inspector(s) of Election shall perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical. The decision or act of a majority shall be effective in all respects as the decision or act of all.

3.5 Any report made by the Inspector(s) of Election is prima facie evidence of the facts stated in the report.

3.6 The Board may remove and replace any Inspector(s) of Election prior to the tabulation of ballots if the Inspector(s) of Election resigns or if the Board reasonably determines that the Inspector(s) of Election will not be able to perform their duties impartially and in good faith.

4. Secret Ballot Procedure: Record Date

4.1 Ballots and two pre-addressed envelopes with instructions on how ballots shall be mailed by first-class mail or delivered by the Inspector(s) of Election to every member not less than 30 days prior to the deadline for voting, unless the Association conducts an election by electronic secret ballot, in which case only members who will vote by written secret ballot shall be mailed or delivered the ballots and envelopes.

4.2 Written ballots must ensure the confidentiality of the voters.

4.2.1 A voter may not be identified by name, address, or lot, parcel, or unit number on the ballot;

4.2.2 The ballot may not require the signature of the voter;

4.2.3 The ballot itself 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 prints and signs his or her name, address, and lot, or parcel, or unit number that entitles him or her to vote. The second envelope is addressed to the inspectors of election, who will be tallying the votes. Failure to do so will invalidate the ballot or member's vote.

4.3 Owners may return their written secret ballot by mail, hand deliver it to the meeting, or complete the ballot at the meeting; provided, only those ballots which are delivered to the inspectors of election prior to the polls closing shall be counted.

4.4 A member may request a receipt for delivery.

4.5 The record date for purposes of voting shall be the date the written ballots are mailed to all of the owners.

5. Campaigning

5.1 All candidates or members advocating a point of view during a campaign, including those not endorsed by the Board, shall be provided equal access to Association media, newsletters, or internet websites (if any) for purposes that are reasonably related to the election. The Association may not edit or redact any content from these communications but may include a statement specifying that the candidate or member, and not the Association, is responsible for that content.

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

6. Handling of Ballots

6.1 As secret ballots are returned to the Inspector(s) of Election, the Inspector(s) of Election will mark off on a sign-in sheet that a ballot has been received for such unit. The first secret ballot received for any unit shall be the ballot that is counted. Any subsequent ballots for the same unit that are received shall be ruled invalid and shall be discarded.

6.2 The sealed ballots, signed voter envelopes, voter list, proxies, candidate registration list, and tally sheet of votes cast by electronic secret ballot shall at all times be in the custody of the Inspector or Inspectors of Elections or at a location designated by the Inspector or Inspectors until after the tabulation of the vote, and until the time allowed by Civil Code Section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association.

6.3 If there is a recount or other challenge to the election process, the Inspector or Inspectors of Elections shall, upon written request, make the ballots and the tally sheet of votes cast by electronic secret ballot 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. Tabulation of Votes: Quorum Requirement

7.1 All votes shall be counted and tabulated by the Inspector(s) of Election in public and at a properly noticed open meeting of the members or of the Board, at which a quorum of members is present or a quorum of Board members, as the case may be, must be present. For purposes of this section, Article IV, Section 4.6 of the Bylaws defines a quorum for purposes of a membership meeting as the presence in person or by proxy of Members entitled to cast a majority of the voting power of the Association.

In addition, the board of directors 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 twenty percent (20%) of the Association's members voting in person, by proxy, or by secret ballot. This procedure shall not apply to recall meetings and elections and shall only apply to annual elections.

No less than 15 days prior to a subsequent meeting, the Association shall provide general notice of the membership meeting, which shall include:

7.1.1 The date, time, and location of the meeting.

7.1.2 The list of all candidates.

7.1.3 A statement that twenty percent (20%) of the Association present or voting by proxy or secret ballot will satisfy the quorum requirements for the election of directors and that the ballots will be counted if a quorum is reached, if the Association's governing documents require a quorum.

7.2 The Inspector(s) of Election shall confirm that no more than one ballot was returned for each unit.

7.3 Any candidate or other member of the Association may witness the counting and tabulation of votes.

7.4 In order for the vote for the election of directors to be valid, ballots must be returned by at least a quorum of the owners.

8. Announcement of Results

8.1 The results of the election shall be promptly reported to the Board of Directors 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.

8.2 Upon certification of the election results by the Inspector(s) of Election, the newly elected Board members shall be deemed to have taken office.

8.3 Within 15 days of the election, the Board shall publicize the result of the election in a communication directed to all members.

9. Other Voting/Campaign Issues

9.1 All members shall be permitted to vote.

9.2 Cumulative voting is permitted pursuant to Article V, Section 5.4 of the Bylaws.

9.3 Association funds may not be used for "campaign purposes" in connection with any board election. The term "campaign purposes" is defined to include, without limitation, (1) "expressly advocating the election or defeat" of any candidate that is on the ballot; or (2) "including the photograph or prominently featuring the name of a candidate on a communication" from the association (except the ballot and voting materials and equal access communications sent pursuant to the Section, above, entitled "Campaigning").

10. Acclamation

10.1 When, as of the deadline for submitting nominations, the number of qualified candidates is not more than the number of vacancies to be elected, as determined by the inspector or inspectors of the elections, the Association may, but is not required to, consider the qualified candidates elected by acclamation if all of the following conditions have been met:

10.1.1 The Association has held a regular election for the Directors within the last 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 voting for the current election.

10.1.2 The Association provided individual notice of the election and the procedure for nominating candidates as follows:

10.1.2.1 The Association sent an initial notice at least 90 days before the deadline for submitting nominations. The initial notice shall include all of the following:

- (a) The number of board positions that will be filled at the election.
- (b) The deadline for submitting nominations.
- (c) The manner in which nominations can be submitted.
- (d) A statement informing 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.

10.1.2.2 The Association sent a reminder notice between seven (7) and thirty (30) days before the deadline for submitting nominations. The reminder notice shall include all of the same requirements found in Section 10.1.2.1, with the exception of the following:

- (a) A statement reminding 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. This statement is not required if, at the time the reminder notice will be delivered, the number of qualified candidates already exceeds the number of board positions to be filled.

10.1.3 The Association must provide, within seven (7) business days of receiving a nomination, a written or electronic communication acknowledging the nomination to the member who submitted the nomination.

10.1.4 The Association must provide, within seven (7) business days of receiving a nomination, a written or electronic communication to the nominee, indicating either of the following:

(a) The nominee is a qualified candidate for the Board of Directors.

(b) The nominee is not a qualified candidate for the Board of Directors, the basis for the disqualification, and the procedure, which shall comply with Article 2 (commencing with Section 5900) of Chapter 10, by which the nominee may appeal the disqualification.

(c) The Association may combine the written or electronic communication described in Section 10.1.3 and 10.1.4 into a single written or electronic communication if the nominee and the nominator are the same person.

10.1.5 The Board must vote 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.

11. Electronic Voting

11.1 An election may be conducted entirely by mail, electronic secret ballot, or a combination of mail and electronic secret ballot. For the Association to use electronic secret ballots as a part of its election, the Association must abide by all of the following conditions:

11.1.1 Members are allowed to change their preferred method of voting from electronic secret ballot to written ballot or written ballot to electronic secret ballot no later than 90 days before an election.

11.1.2 The electronic secret ballots and written ballots shall contain the same list of items being voted on.

11.1.3 The Association shall mail a written ballot to a member only if the member has opted out of voting by electronic secret ballot or for whom the Association does not have an email address required to vote by electronic secret ballot.

11.1.4 The Association shall maintain a voting list identifying which members will vote by electronic secret ballot and which members will vote by written ballot, and include information on the procedures to opt out of voting by electronic secret ballot, as applicable, in the annual statement prepared pursuant to Civil Code Section 5310.

11.1.5 An electronic secret ballot may be accompanied by or contained in an electronic individual notice in accordance with paragraph (2) of subdivision (a) of Civil Code Section 4040.

11.1.6 The Association shall deliver individual notice of the electronic secret ballot to each member 30 days before the election and shall contain instructions on both of the following:

- (a) How to obtain access to that internet-based voting system.
- (b) How to vote by electronic secret ballot.

11.1.7 Delivery of the individual notice described in 11.1.7 may be accomplished by electronic submission to an address, location, or system designated by the member.

11.1.8 The Association shall provide individual notice at least thirty (30) days before the deadline to opt out of voting by electronic secret ballot, of all of the following:

- (a) The member's current voting method.
- (b) If the member's voting method is by electronic secret ballot and the Association has an email address for the member, the email address of the member that will be used for voting by electronic secret ballot.
- (c) 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.
- (d) An explanation of how a member may opt out of voting by electronic secret ballot.
- (e) The deadline by which the member is required to opt out of voting by electronic secret ballot if the member elects to exercise that right.

11.1.9 If the Association does not have a member's email address required to vote by electronic secret ballot by the time at which ballots are to be distributed, the Association shall send the member a written secret ballot.

11.1.10 Each member voting by electronic secret ballot shall be provided with all of the following:

- (a) A method to authenticate the member's identity to the internet-based voting system.
- (b) A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.
- (c) A method to confirm, at least 30 days before the voting deadline, that the member's electronic device can successfully communicate with the internet-based voting system.

11.1.11 Any internet-based voting system that is utilized shall have the ability to accomplish all of the following:

- (a) Authenticate the member's identity.
- (b) Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.
- (c) Transmit a receipt from the internet-based voting system to each member who casts an electronic secret ballot.
- (d) Permanently separate any authenticating or identifying information from the electronic secret ballot, rendering it impossible to connect an election ballot to a specific member.
- (e) Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

11.2 A member who votes by electronic secret ballot shall provide a valid email address to the Association.

11.3 A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by an inspector or inspectors of elections.

11.4 A vote made by electronic secret ballot shall not be revoked.

11.5 For purposes of determining a quorum, a member voting electronically shall be counted as a member in attendance at the meeting. 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 vote.

11.6 A person, including a member of the association or an employee of the management company, shall not open or otherwise review any tally sheet of votes cast by electronic secret ballots before the time and place at which the ballots are counted and tabulated.

11.7 “Electronic secret ballot” means a ballot conducted by an electronic voting system that ensures the secrecy and integrity of a ballot pursuant to the requirements of the California Civil Code.