

# VILLAGES OF RANCHO DEL ORO HOMEOWNERS ASSOCIATION

## ELECTION RULES

**Effective Date: February 1, 2017**

### **1. Equal Access.**

1.1 If, in the course of an election campaign for a position on the Board of the Master Association, any candidate or Owner, as that term is defined in Article I, Section 1.28 of the Master Declaration of Covenants, Conditions and Restrictions for the Villages of Rancho Del Oro, advocating a point of view is provided access to a form of media (including, but not limited to, newsletters and Internet web sites) that is owned or entirely run by and for the Association, for a purpose that is reasonably related to that election, equal access shall be provided to all candidates and members of the Association for the same purpose ("**Equal Access**").

1.2 Equal Access, as described above in Section 1(a), shall also apply to all candidates whether endorsed or not endorsed by the current Board, and shall be for the purpose of allowing all candidates to advocate a point of view reasonably related to the election.

1.3 The Association shall not edit or redact any content from the presentation of the points of view described in this Section, to the extent that such content does not violate any provision in the Master Declaration of Covenants, Conditions and Restrictions, Bylaws of the Master Association or Rules promulgated by the Board, or any applicable state, federal or local laws, but may include a statement specifying that the candidate or member of the Association, and not the Association, is responsible for the content of such point of view.

1.4 The Association shall give all candidates, including those candidates who are not incumbents, and those who are not endorsed by the Board, Equal Access to the common meeting area (i.e., time and space available for such candidate's use), if any, to present a point of view reasonably related to the upcoming election.

1.5 The Association shall not charge candidates a fee for access to the common meeting area for the purposes described in this Section.

### **2. Qualifications and Procedures for Nomination of Candidates.**

2.1 Pursuant to the holding in *Friars Village Homeowners Ass'n v. Hansing*, 220 Cal. App. 4th 405, the Davis-Stirling Act (Civil Code Section 4000 et seq.) allows the adoption of rules to specify the qualifications for candidates for the Board.

2.2 Accordingly, only an Owner, as that term is defined in Article 1, Section 1.28 of the Master Declaration of Covenants, Conditions and Restrictions for the Villages of Rancho Del Oro is eligible to be a candidate and run for the Board of Directors of the Master Association. An Owner is ineligible to be nominated or to nominate himself or herself for a position on the Board unless if, as of the date of nomination, the Owner acquired and closed on his or her Lot prior to the date of the meeting notice and first ballots that are mailed or solicited for voting purposes. Any nominated Owner must be current in the payment of all assessments; cannot be involved in any lawsuit against the Association, and cannot have been convicted of a felony in any court of any State. Joint Owners of a Lot may not serve on the Board concurrently.

2.3 Only Owners, as that term is defined in Article 1, Section 1.28 of the Master Declaration of Covenants, Conditions and Restrictions for the Villages of Rancho Del Oro, are eligible to nominate himself or herself as a candidate for the Board.

2.4 Provided that an Owner of the Association seeking candidacy for a position on the Board satisfies the eligibility requirements set forth in Section 2.1 above, such Owner of the Association may be nominated by a nomination committee or nominate himself or herself by the following procedures:

- (a) Nominations for candidates to the Board may be submitted in writing to the current Board, the secretary of the Association or the management company of the Association not less than thirty (30) days prior to the date designated for mailing or distribution of ballots for the election of new Board members. Owners shall not be prohibited from nominating themselves for any Board position and any attempt to prevent an Owner's self-nomination shall be invalidated.

- (b) After collecting all properly submitted nominations, candidates may be nominated for election to the Board by self-nomination or by a Nominating Committee established in compliance with Section 5.4 of the Bylaws. Any candidate nominated by another person will be contacted to confirm that he or she agrees to be a candidate. Only those candidates who are qualified and have returned their forms on time will be listed on the voting materials (the absentee ballot and the secret meeting ballot).
- (c) the current Board or nominating committee shall: (1) confirm or cause to be confirmed each nominated person's eligibility under Section 2.1; (2) confirm or cause to be confirmed each individual's acceptance of nomination; (3) distribute or cause to be distributed to the Association's membership a list of the confirmed candidates; and (4) prepare or cause to be prepared a ballot for distribution for voting purposes.

### **3. Selection of Inspectors.**

3.1 The current Board of the Master Association shall select either one (1) or three (3) independent third parties to serve as the inspector or inspectors of the election ("**Inspector(s)**"). Any Owner may serve as an Inspector. Also, the Master Association's current Manager, attorney(s) and any other person or entity under contract with the Association for compensation is hereby authorized to serve as an Inspector. No Owner currently running for an elected position on a Board may serve as an Inspector.

3.2 The Inspector shall have the responsibilities described in California Civil Code Section 5110 and shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as practical.

3.3 If there are three (3) Inspectors, the decision or act of a majority shall be effective in all respects as the decision or act of all Inspectors.

3.4 The Inspector shall have the right to appoint and oversee such additional persons as the Inspector deems appropriate to verify signatures and to count and tabulate votes, provided that the persons are independent third parties.

### **4. Voting.**

4.1 All voting will be conducted pursuant to the Association's Governing Documents, including but not limited to the Article 2, Section 2.4.3 of the Master Declaration of Covenants, Conditions and Restrictions and/or the Amended and Restated Bylaws.

4.2 Once a ballot is received by the Inspector(s), it is irrevocable.

4.3 No ballots shall be accepted, by mail or otherwise, after the date and time set by the Inspector(s) for closing of the polls. Any ballots received after the polls have closed shall be disqualified and will not be counted by the Inspector(s).

### **5. Voting Procedures and Custody.**

5.1 All votes shall be counted and tabulated by the Inspector(s) in public at a properly noticed open meeting of the Master Members. Any candidate or Master Member of the Association may witness the counting and tabulation of the votes. No person shall open or otherwise review any ballot prior to the time the ballots are counted and tabulated by the Inspector. All voting will be by secret ballot.

5.2 The results of the election, as tabulated by the Inspector(s), shall be promptly reported to the current Master Board of the Association and shall be recorded in the minutes of the next meeting of the Master Board of the Association, and shall be made available for review of Members of the Master Association. The Board of the Master Association shall publicize the results of the election in a communication directed to all Members of the Association, within fifteen (15) days of the date the final tabulation of votes has occurred.

5.3 The sealed ballots shall at all times be in the custody and control of the Inspector(s), or at such location designated by the Inspector(s), until after the final tabulation of votes and expiration of the time allowed by California Civil Code Section 5145 for challenging the election, after which time the custody and control of the ballots shall be turned over to the Association.