

ELECTION OPERATING RULES

Campaigning

If any candidate or Member advocating a point of view is provided access to Association media, newsletters, or Internet Web sites during a campaign, for purposes that are reasonably related to that election all candidates and Members advocating a point of view will be provided access. Equal access shall be provided to all candidates and Members advocating a point of view, including those not endorsed by the board, for purposes that are reasonably related to the election. The candidate or Member, and not the Association, is responsible for the content of campaigning materials.

Access to the Common Area meeting space or other Association amenities/systems will be provided during a campaign, at no cost, to all candidates and to all Members advocating a point of view for purposes reasonably related to the election/vote.

Association funds will not be used for campaign purposes in connection with any Association Board election. Funds of the Association shall 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. For the purposes of this section "campaign purposes" include, but are not limited to, the following:

1. Expressly advocating the election or defeat of any candidate that is on the Association election Secret Ballot.
2. Including the photograph or prominently featuring the name of any candidate on a communication from the association or its board, excepting the Secret Ballot and Secret Ballot materials, within 30 days of an election, provided that this is not a campaign purpose if the communication is one for which the law requires that equal access be provided to another candidate or advocate.

Board Member Qualifications

Directors and all candidates for director positions must meet the qualifications as currently permitted by California *Civil Code* for all future elections, as specified below:

1. Candidates and directors must be current Members and must have been a Member for at least one continuous year prior to becoming a candidate.
2. A candidate for a Board seat, and a director during their Board tenure, must be current in the payment of regular and special Assessments or at a minimum have entered into and be in compliance with a payment plan to become current in the payment of any assessment or other charges.
3. A candidate shall be disqualified from serving on the Board at the same time as another person who holds joint ownership in the same separate interest parcel.
4. A candidate for a seat, and a director during their Board tenure, shall be disqualified should the Association become aware of a past criminal conviction that would prevent the Association from securing insurance coverage or terminate the Association's existing insurance coverage.
5. Candidates and directors must meet all qualifications of the California *Civil Code* effective at the time, and as permitted by law and stated in the Association's Election Operating Rules.

Voting Qualifications

Each Member of record is entitled to vote. Members shall be entitled to cast one Secret Ballot for each Lot owned. The Owner of each Lot shall have the right to give one (1) vote to each candidate up to a maximum of the number of directors to be elected. For example, if four (4) directors are being elected, any four (4) candidates may be given no more than one (1) vote each. No cumulative voting is permitted.

Election Operating Rules

Record dates for determining Members entitled to receive notice of the meeting and for determining Members entitled to vote at the meeting may be established in accordance with the California *Corporations Code*. The voter list shall include name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the Secret Ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only a parcel number is used. The Association shall permit members to verify the accuracy of their "individual information" at least 30 days before the Secret Ballots are distributed.

If title to a separate interest parcel is held by a legal entity that is not a natural person, the governing authority of the legal entity shall have the power to appoint a natural person to be the Member for voting purposes. If a natural person holds general power of attorney that allows that person to act regarding Association matters for an eligible Member they shall be eligible to receive that Member's Secret Ballot.

Nomination Procedures

The Association shall provide General Notice, or Individual Notice if requested by a Member, of the procedure and deadline for submitting a nomination at least 30 days before any deadline for submitting a nomination.

Candidates who satisfy the eligibility requirements for election to the Board of Directors may become candidates by either (a) submitting a "Candidates Application" form (available from the management company) by the dates specified within item #2 on the Candidate Application, or (b) being nominated from the floor at the Annual or other Membership Meeting may be permitted (self-nominations from the floor are permitted). The candidate must be present to nominate himself/herself or have sent a written confirmation that he/she is willing to be a candidate and serve if elected.

Election by Acclamation

The Association will follow all procedures as then provided for in the Davis-Stirling Common Interest Development Act, ("Act") and the California Corporations Code for election of directors by acclamation, including disqualification of any candidates as well as directors who do not meet the qualifications provided for in these Election Rules and the Association's Governing Documents.

Opportunity for Internal Dispute Resolution ("IDR")

Any Candidate who is determined to not meet the "Board Member Qualifications" as provided within these Election Operating Rules will be provided with an opportunity to engage in Internal Dispute Resolution (IDR) with the Association pursuant to the procedures provided in the Association's IDR Policy and per Civil Code commencing with Section 5900.

Write- In candidates/Nominations from the Floor

1. A candidate may be a write in candidate and be nominated by himself/herself from the floor of the Annual or Special Meeting, under the procedures described in these Rules. Candidates who did not submit a written declaration of candidacy must be present at the Annual or Special Meeting and be nominated from the floor of the Meeting by self-nomination or may submit a written statement to the Association prior to the Meeting agreeing to be a candidate, and serve if elected. All write-in candidates who are nominated from the floor of the Meeting must meet all qualifications, including being a Member, as stated in these Rules.

2. A write in candidate who is nominated from the floor of the Meeting is not considered to be qualified if he/she is not a Member. The inspector of election will determine whether a candidate nominated from the floor is an Owner of record as shown on the Membership list. If the candidate is not shown on the membership list, then he/she will not be considered to be a Member and will not be a valid candidate, and

Election Operating Rules

his/her name will not be placed in nomination. The person who is disqualified for not being a Member may request IDR after the Meeting.

3. A write in candidate who is nominated from the floor who does or may not meet the other qualifications in these Rules will be allowed to be a candidate and his/her name placed in nomination. If the candidate is then elected, the Board will determine whether that nominee should be disqualified for not meeting the qualifications in these Rules. If the Board determines the nominee is not qualified, the Member may request IDR.

Voting Procedures

For meetings involving elections of directors, the Association shall provide the following by General Notice, or Individual Notice if so requested, at least 30 days before the Secret Ballots are distributed:

1. The date and time by which, and the physical address where, Secret Ballots are to be returned by mail or placed in the designated Ballot box;
2. The date, time and location of the meeting at which Secret Ballots will be opened, counted and tabulated;
3. The list of all candidates' names that will appear on the Secret Ballot who are known at the time the candidate list is prepared. Additional candidates may be nominated after the candidate list is prepared, including nomination from the floor of the Annual or other Membership Meeting.

The Bylaws for Casta del Sol Homeowners Association authorize the use of Secret Ballots and proxies. Secret Ballots will be provided to all qualified Members of record for their use. Elections will be conducted in accordance with the following procedures:

1. Secret Ballots and two preaddressed envelopes (with instructions) shall be delivered or mailed by first-class mail to every Member not less than thirty (30) days prior to the deadline for voting;
2. Secret Ballots are *not* to be signed by the voter and a Member that places any identifying marks or signature on his or her Secret Ballot will waive his or her right to secrecy;
3. Completed Secret Ballots should be placed into an inner envelope that has no identifying information (e.g., no Member name, no property address, no signature, etc.) on it, and the inner envelope is then sealed by the Member;
4. The inner envelope is then inserted into the outer envelope that is preaddressed to the Inspector(s) of Elections and then sealed by the Member;
5. In the upper left corner of the original provided outer envelope, the Association prints the Member's account number, name and the address of the property within the Casta del Sol Homeowners Association. The Member *must* sign his or her name on the "Signature" line provided directly under the owner identification on this outer envelope. Should the Member require a replacement Secret Ballot and/or envelopes, they must write-in their account number, name and address above the "Signature" line on the outer envelope. Outer envelopes received that are not properly signed, may result in the Secret Ballot *not* being counted for any purpose, including quorum;
6. The envelope may be mailed or delivered by hand to the management office, unless another place is designated by the Inspector(s). The Member may request a receipt for delivery. Members may also place their Secret Ballot in the Secret Ballot boxes which may be in locations in the Association as designated by the Inspector(s) of Elections;

Election Operating Rules

7. Once a Secret Ballot is received by the Association, in the place designated by the Inspector(s), it is deemed irrevocable, even if it is unopened;
8. The sealed Secret Ballots shall be in the custody of the Inspector(s) of Elections or in the place designated by the Inspector(s) at all times;
9. No person may open or otherwise review any Secret Ballot prior to the time and place at which the Secret Ballots are to be opened, counted and tabulated by the Inspector(s) of Elections;
10. The voting period for Member meetings shall commence when the first Secret Ballot is mailed or delivered to a Member of the Association, and shall end at such time as the Inspector(s) of Elections determine the polls close; and
11. Write-in candidates must be nominated at the Association's Annual or other Membership Meeting, and must be present at the Meeting to accept the nomination or provide written confirmation to the Inspector(s) that he/she is willing to be a candidate and serve if elected. They must also meet the qualifications as specified in these Election Operating Rules and California Law.

Use of Proxies

If a Member chooses to use a proxy, the proxy must be in writing signed by the Member and must be filed with the Secretary of the Association at least twenty-four (24) hours before the time appointed and scheduled for the meeting at which the vote will take place. Furthermore, in order to be counted the proxy must (a) identify a proxy holder, (b) contain voting instructions, and (c) be signed by the Member giving the proxy. A proxy that does not satisfy these requirements may not be counted. Any instruction given in a proxy issued for an election that directs the manner in which the proxy holder is to cast the vote must be set forth on a separate page of the proxy that can be detached and given to the proxy holder to retain and meet all the other requirements as then provided by the Act. The proxy holder must cast the Member's vote by Secret Ballot. The Inspector(s) shall not be responsible for confirming that a proxy is marked in accordance with a Member's instructions to the proxy holder.

Inspector(s) of Elections

Inspector(s) of Elections will be appointed by the Board of Directors at a Board meeting held at least 90 days prior to the election/vote and will serve as Inspector(s) until such time that their successors are appointed by the Board of Directors. There shall be one or three Inspector(s) of Elections for the Association. If there are three Inspector(s) of Elections, the decision or act of a majority shall be effective in all respects as the decision or act of all. Inspector(s) may be a Member of the Association, but may not be a Member of the Board, a candidate for the Board, or related to a Member of the Board or candidate for the Board. Inspector(s) may not be a person who is currently employed or under contract to the association for any compensable services, except for Inspector of Elections services. The assistants to the Inspector(s), "Inspector Designees", must meet all the qualifications required of the Inspector(s).

Role of Inspector(s) of Elections

Inspector(s) will determine the number of memberships entitled to vote and the voting power of each in accordance with the governing documents. Inspector(s) will determine the authenticity, validity, and effect of proxies, if any. Inspector(s) will hear and determine all challenges and questions in any way arising out of or in connection with the right to vote. Secret Ballots will be returned to the Association's managing office, unless another location is designated by the Inspector(s). Inspector(s) will determine when the polls shall close. Inspector(s) will determine and announce the results of the election/votes.

Election Operating Rules

Should the Association provide any updates (change of ownership) or address corrections or a Member report any errors within their individual eligible voter list information during the 30-day inspection period, the Inspector(s) shall be duly notified and make such necessary corrections within two business days.

The Inspector(s) shall complete all initial voter qualification duties in such time as to permit the Association to mail to each Member or other eligible voter, at least 30 days before an election/vote, all necessary voting informational documents, Secret Ballots and return envelopes. The Association shall also deliver these Election Operating Rules by either posting these rules on an internet website and including the corresponding internet website address on the Secret Ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here," or by Individual Delivery, accompanying the Secret Ballots.

Inspector(s) may also perform any acts as may be proper to conduct the election/vote with fairness to all Members in accordance with the *Corporations Code*, *Civil Code* Election Operating Rules and all applicable rules of the Association regarding the conduct of the election/vote that are not in conflict with the *Civil Code*. Inspector(s) must perform all duties impartially, in good faith, to the best of his or her ability, as expeditiously as is practical, and in a manner that protects the interests of all Members of the Association.

Tabulation of Votes

All Secret Ballot envelopes shall be opened, and the votes counted and tabulated by the Inspector(s) of Elections, or their designees, in public at a properly noticed open meeting of the Board or the Members. Any candidate or other Member of the Association may witness the counting and tabulation of the votes. Members who are not Inspectors or being overseen by an Inspector must remain at least five feet away from the counting area. Members who are not inspectors may not participate in the counting or tabulation process or any discussions that may arise among the Inspectors or their designated assistants.

Every Inspector(s) of Elections and designee(s) of the Inspector(s) must sign the Secret Ballot tally sheet for the Association's corporate records. After tabulation, the Inspector(s) of Elections shall designate a location, within Association secured storage, in which to maintain the Secret Ballots and other California State Law required election records for no less than one (1) year after the date of the election/vote.

Retention of Election Records

The Inspector(s) of Election shall return to the Association's managing office all "Association Election Materials," unless another location is designated by the Inspector(s), for retention for a period of time as specified in California *Civil Code*. Such election materials include returned Secret Ballots; signed voter envelopes; the voter list of names, parcel numbers and the voters to whom Secret Ballots were to be sent; proxies; and the candidate registration list. The signed voter envelopes may be inspected but may not be copied.

Recording and Announcing Election Results

Inspector(s) must report the results of the election/vote promptly to the Board of Directors and the results will be recorded in the next regular session Board meeting minutes. In addition to recording the election/vote results in the next regular session board meeting minutes, the Association shall keep Annual or other Membership Meeting minutes that reflect the results of the election/vote.

The Board of Directors will give General Notice of the tabulated results of the election within fifteen (15) days of the Annual or other Membership Meeting/vote.

Additional Election Rules:

Election Operating Rules

1. A meeting of the Membership to conduct an election requires a majority of the membership, currently 964 Members, to be present in person, proxy or by mailed/returned signed Secret Ballot envelopes to establish quorum.
2. If quorum requirements are not met for the specified Membership meeting or election, the meeting will be adjourned and rescheduled again for a date not less than 48 hours or more than 30 days and the quorum shall be reduced to 25% of the membership, currently 482 Members.
3. If there is a tie vote for any candidates in an election of directors, the vote to break the tie shall be taken by Secret Ballots cast by those Members, valid proxy holders and holders of valid power of attorneys who are present at the election Meeting. No previously cast Secret Ballots or proxies will be used at the Meeting to break the tie as provided herein.

Election Rules for Conducting Membership Special Meetings

Special Meetings of the Membership, including those called by members and the Association, shall meet the applicable notice and other requirements in the Act and the Corporations Code in place at that time.

Amending of Election Operating Rules

These Election Operating Rules shall not be amended less than 90 days prior to an election. Any such rule amendments shall be afforded California *Civil Code* required Member review and comment period before final approval by the Board of Directors.

Adopted: April 20, 2006
Effective: July 1, 2006
Revised: March 19, 2015
Revised: February 15, 2018
Revised: February 20, 2020
Revised: March 18, 2021
Revised: March 17, 2022