

# KIMBERLY PLACE COMMUNITY ASSOCIATION

## ELECTION RULES

The following election rules are adopted to comply with the requirements of the Davis- Stirling Act as revised in 2019 and to provide for fair elections, subject to all applicable and enforceable (a) provisions of law, and (b) Articles of Incorporation, CC&Rs, and Bylaws.

### I. MEMBERSHIP MEETINGS

#### A. Meetings of the Membership.

1. **Annual Meetings.** There shall be an annual meeting each year for the purpose of electing directors and conducting any other business of the Association. The Board shall fix the date and hour in the month as required by the governing documents, established by the Association, or as otherwise permitted by the bylaws for holding such meetings.

2. **Special Meetings.** Special meetings may be called by any of the following: (i) President of the Board, (ii) majority of the Board, or (iii) at least five percent (5%) of the voting power of the Association, or as required by law. If a special meeting is called by members of the Association, the request shall be submitted to the Board in writing, specifying the nature of the business to be transacted. The director or officer receiving the request shall promptly deliver the request to the remaining directors.

3. **Location of Meetings.** Annual and special meetings of the membership shall be held at a suitable location in or reasonably close to the Association. If the date, time and/or location is unreasonable, the Board shall set a date, time and/or location which is reasonable and relatively close to the original date, time and location requested by the parties calling the meeting

#### B. Notice and Request for Candidates.

The nomination process to nominate a candidate to run for the Board of Directors shall begin as follows:

1. **Notice and Request for Candidates by Board.** Notice of all meetings of the members shall be given by the Board. Such notice shall be accompanied by a Request for Candidates and the Election Rules. If the Board fails to give notice, the persons calling the special meeting may give notice consistent with the governing documents and applicable law.

2. **Notice Period.** All notices shall be sent not less than ninety (90) days (and preferably 105 days) before the date of the meeting.

3. **Notice Contents.** The notice shall specify the place, date, and hour of the meeting and (i) in the case of a special meeting, the nature of the business to be transacted as specified by those persons calling the meeting (and that no other business may be transacted except as specified in the notice), or (ii) in the case of the annual meeting, those matters which the Board intends to present for action by the members.

#### 4. Request for Candidates.

- a. Any qualified person may nominate himself or herself for election to the Board of Directors by submitting to the Association a written statement signed and dated by the person nominating himself or herself (herein "Request for Candidate form").
- b. The Association shall set a cut-off date for the receipt of self-nomination statements, which date shall be publicized in advance to the members. Once nominations have been closed, no write-ins are allowed on ballots and no floor nominations can be made at the Annual Meeting.
- c. The Request for Candidates shall include a demand for certification by the Candidate that s/he meets the qualifications set by the Bylaws and these rules. The Request for Candidates shall also include a form for each Candidate to submit a written application and statement reasonably related to the election, including advocating a point of view.
- d. The Board of Directors may limit the length of the Candidacy Statement. Candidates' Statements will be included with the Association's mailing of the Notice and Secret Ballot materials if the Statements are provided prior to the stated deadline.
- e. The election rules will be distributed with the Request for Candidates to comply with the Civil Code Section 5105(h) requirement that may not be amended within 90 days of a scheduled election. (Thereafter, they will be distributed at least 30 days prior to any election with the Ballots). The Election Rules may be individually distributed or posted to an internet website; if posted, the Ballot must contain the website address and the words "The rules governing this election may be found here" in at least 12-point font.

5. **Delivery.** Notice of any membership meeting shall be given either personally or by first-class mail, charges prepaid, and addressed to each member: (i) at the address appearing on the books of the Association, (ii) at the address given by the member for the purpose of notice, or (iii) at the address of the member's unit, if no address appears on the Association's books and no other address has been given. Notice shall be deemed to have been given at the time when delivered personally or deposited in the mail.

C. Posting and/or Mailing the Candidate Introduction Letter: At least 60 days (and preferably 70 days) before the election, the Association will provide **BY GENERAL NOTICE** the Candidate Introduction Letters and the following information: the date and physical address where the ballots are to be returned by mail or handed to the Inspector; the date, time and location where the ballots will be counted; and the list of candidates names that will appear on the ballot. If an owner has requested individual notice, these must be received by the member personally. The Inspector of Elections shall correct any reported mistakes to the membership list during this time frame.

D. Mailing the Ballots: At least 30 days before the ballot acceptance cut-off date, the Members will be mailed the election materials, including a ballot, meeting notice and double envelopes. The voting and ballots shall comply with the procedures provided below.

## II. BOARD MEMBERSHIP

A. Number of Directors. The Board shall consist of five (5) directors.

B. Term of Office. The term of a director shall be for two years and shall last until the Annual Meeting that at which the Director's successor is elected or appointed, as provided in the

Association Bylaws and governing documents.

C. Qualifications. No person may be a candidate for the Board, or once elected shall automatically cease to be a director, if that person: (i) is not a member of the Association who is on title (ii) is in a joint ownership interest in a unit with another director or resides in the same unit with another director; (iii) has not owned his or her Unit for at least one year; and/or (vi) has a past felony record which would result in cancellation of the Association Fidelity Bond. For purposes of this section, an owner of a separate interest is a trust, corporation, or LLC, the “governing authority” of that entity may appoint a natural person to be a candidate.

### III. CAMPAIGNING

#### A. Access to Media.

1. **No Use of Association Resources.** The Association’s newsletter, website, bulletin board, or other Association media may not be used for campaign purposes.

2. **Exception.** If any candidate or member is provided access to Association newsletters, website, bulletin board or other Association media during an election, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and members. The access shall be limited to information relating to that election and shall include those candidates and members not endorsed by the Board. The Association shall 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. The Association and its directors, officers, and agents shall be immune from liability for the content of those communications to the fullest extent provided by law.

#### B. Use of Common Area During Election Campaign.

1. **No Cost for Use.** During an election campaign, each candidate and each member advocating a point of view reasonably related to the election shall be allowed to use, if available, the Association’s common area at no cost to the member or candidate.

2. **Reservation.** Each candidate or member who wants to use the common area pursuant to this rule must make a reservation in advance of the date and time requested. Candidates’ and members’ requests to use the common area shall be granted on a first- come, first-served basis, provided that the area is not already reserved. In order to assure fairness, each candidate may not reserve or use the common area for more than two (2) hours on any particular date. In addition, each candidate and each member shall only be allowed to make one (1) reservation per day to use the common area.

C. No Use of Association Funds for Campaign Purposes. Association funds may not be used for campaign purposes in connection with any board election and may 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. The Association shall not include the photograph or prominently feature the name of any candidate on a communication from the Association or its Board, excepting the ballot and ballot materials, within thirty (30) days of an election. This restriction does not preclude directors from advocating the election or defeat of any issue or candidate on the ballot. However, they may not use Association funds to do so.

## IV. INSPECTORS OF ELECTION

### A. Selection.

1. **Process.** Prior to the date ballots are first sent out, the Board of Directors shall, at an open meeting of the Board, select either one (1) or three (3) persons as Inspectors of Election.

2. **Eligible Inspectors.** The Board may select any of the following to serve as an Inspector of Elections:

a. **Poll Worker.** A volunteer poll worker with the County Registrar of Voters;

b. **Accountant.** A licensee of the California Board of Accountancy, including any such licensee under contract to the Association;

c. **Notary.** A notary public;

d. **Association Members.** Members of the Association, but not: (i) members of the Board, (ii) candidates for the Board, (iii) persons related to a member of the Board, or (iv) persons related to a candidate for the Board;

When the Board does select a Non-Member of the Association as Inspector, the Inspector shall be required to obtain errors and omission insurance and provide proof of same to the Board prior to the commencement of the Inspector's work. The errors and omissions insurance policy shall be in an amount not less than one million dollars (\$1,000,000), that indemnifies the Association and its Board Members from liability and provides that the Association is a named insured of the policy. The Board may, at its discretion, compensate the Inspector.

### B. Duties. Duties of Inspectors of Election shall include the following:

1. **Membership.** Determine the number of memberships entitled to vote and the voting power of each.

2. **Validity.** Determine the authenticity, validity and effect of any proxies and ballots.

3. **Quorum.** Confirm the number of homes represented at the meeting and confirm the existence of a quorum

4. **Challenges** Hear and determine all challenges and questions in any way arising in connection with the right to vote

5. **Closing and Reopening of Polls.** Determine when the polls shall close and determine whether to reopen the polls to allow members to cast a ballot after the polls have been closed.

6. **Receive and Count Ballots.** Receive all ballots. Once a secret ballot has been received by an Inspector of Elections, it shall be irrevocable.

7. **Maintain custody of the Sealed Ballots.** The sealed ballots at all times shall be in the custody of the Inspector or Inspectors of election or at a location designated by the Inspector or Inspectors until after the tabulation of the vote and until the time allowed by Section 7527 of the Corporations Code for challenging the election has expired (currently one year), at which time custody

shall be transferred to the Association. 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 at which the ballots are counted and tabulated. The Inspector of Elections or his or her designee may verify the member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.

8. **Retain association election materials** ("Association Records") including the candidate registration list, voter lists (name of member and address of the voting property, which may be used to verify a member's right to vote), returned ballots (reported errors must be corrected within two business days), signed voter envelopes; voters to whom ballots were sent; and proxies (Civil Code Section 5105(a)(7) and 5200(c)).

9. **Challenges.** Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote. If there is a recount or other challenge to the election process, the Inspector or Inspectors of election shall make the ballots available for inspection and review upon written request. An Association member may authorize a representative to review the ballots on his or her behalf. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

10. **Counting.** Count and tabulate all votes and determine the election results. All votes shall be counted and tabulated by an Inspector of Elections or his or her designee in public at a properly noticed open meeting of the Board of Directors or members. Any candidate or other member of the Association may witness the counting and tabulation of the votes.

11. **Appoint Assistants.** Appoint and oversee additional independent third parties to verify signatures, and to count and tabulate votes as the Inspectors of election deem appropriate provided that such persons are independent third parties.

12. **Impartiality.** Perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical. Any report made by the Inspectors of Election is prima facie evidence of the facts stated in the report.

13. **Miscellaneous.** Perform any acts as may be proper to conduct the election with fairness to all members in accordance with Civil Code section 1363.03, the Corporations Code, the Association's governing documents, and all applicable rules of the Association regarding the conduct of the election that are not in conflict with Civil Code section 1363.03.

C. **Removal.** The Board shall have the power to remove Inspectors who cease to meet the required qualifications, are unable or unwilling to perform their duties, or for other good reason, and to appoint new Inspectors in their place.

D. **Management Office Designation and Validity of Report.** Prior to the mailing of the Secret Ballots by the Association, the Inspector(s) of Election may pass a Resolution designating the management office as the location to receive the sealed Secret Ballots and maintain the custody of the sealed Secret Ballots until the time upon which tabulation of the Secret Ballots by the Inspector(s) shall occur. Any report made by an Inspector is prima facie evidence of the facts stated in the report.

## V. BALLOTS AND PROXIES

### A. Voting Rights.

1. **Number of Votes.** Each member shall be entitled to one (1) vote per unit on all

matters presented to the members for a vote.

2. **Record Date.** Unless the Board sets a “Record Date” for an election, the Record Date shall be the date that ballots are mailed to the Membership. Only those Owners on title as of the Record Date shall be entitled to vote. Persons acquiring title to a Unit after the Record Date can attend the membership meeting but cannot vote.

3. **Proof of Membership.** No person or entity may exercise the rights of membership without an ownership interest in property which is subject to the Association’s CC&Rs. If the Board should request proof of ownership, such proof shall be in the form of a recorded deed or, if the property was transferred within the past thirty (30) days and a copy of the newly recorded deed is not available, a completed escrow closing statement shall suffice.

4. **Cumulative Voting Allowed.** Pursuant to the California Corporations Code section 7615(a) and the Association Bylaws, cumulative voting shall be permitted. In any election in which more than two (2) directors are to be elected, every Member may cumulate votes and cast them for a single candidate or distribute them among as many candidates as the Member thinks fit, as long as the total number of votes cast does not exceed the total number of candidates.

5. **Co-Owners.** Where there is more than one (1) owner of a property (“co-owner”) subject to the Association’s CC&Rs, all such co-owners shall be members and may attend any meeting of the Association, but only one co-owner shall be entitled to exercise the vote to which the property is entitled.

6. **Presumption of Consent.** Unless the Inspector of Elections receives a written objection prior to the close of balloting from a co-owner, it shall be conclusively presumed that the voting owner is acting with the consent of his or her co-owners.

7. **Voting for Candidates Properly Nominated.** Members must vote only for those candidate(s) who have been properly nominated prior to the close of nominations.

B. Proxies.

1. **Proxies.** The Association may use and accept proxies as permitted by law and the Association’s governing documents, provided that the Association shall not be required to prepare or distribute proxies. Proxies shall not be construed or used in lieu of a ballot at a meeting.

2. **Proxy Form.** Any instruction given in a proxy issued for an election that directs the manner in which the proxy holder is to cast the vote shall be set forth on a separate page of the proxy that can be detached and given to the proxy holder to retain. Proxies must meet all requirements of Chapter 4 of Article 2 of the Davis-Stirling Act, other laws, and the Association’s governing documents.

3. **Vote by Proxy Holder.** The proxy holder shall cast the member’s vote by secret ballot unless the proxy is revoked by the member prior to the receipt of the ballot by an Inspector of Elections as described in Section 7613 of the Corporations Code.

4. **Who May be Proxy.** As provided for in Civil Code §5130(a), proxy holders must be Members. If two Proxies are registered for the same separate interest and one is dated and one is undated, the dated Proxy prevails. If two dated Proxies are registered for the same separate interest, the most current dated Proxy prevails. If a Proxy and a Secret Ballot are registered for the same separate interest, the Proxy shall be suspended, and the Secret Ballot

shall prevail. If the property is co-owned (i.e., husband and wife) or if the property is owned by a corporation, partnership, etc., and two or more co-owners or two or more representatives submit separate Proxies, the most current dated Proxy prevails. If a Proxy and a Secret Ballot are submitted, the Proxy shall be suspended, and the Secret Ballot shall prevail. If a Proxy is signed by a person whose name does not appear on the membership roster, the Proxy shall be invalid. As an exception, in the case of a legally married couple, if a Proxy is signed by a spouse, whose name does not appear on the membership roster, the Proxy shall be valid, due to the State's community property laws. All unsigned Proxies shall be invalid and shall not be used for quorum purposes.

C. Ballots.

1. **Official Ballots/Non-Revocable.** Only those ballots prepared on behalf of the Association ("Official Ballots") may be used in the election. Once an Official Ballot has been received by an Inspector of Elections, it is irrevocable. Inspector(s) will register all Secret Ballots at the meeting (Annual Membership, Special Members, or Board). A membership roster will be maintained at each registration station for purposes of registering each separate interest present and voting at the meeting, whether in person or by proxy. Each separate interest is entitled to only one registration, regardless of the number of votes the separate interest is entitled to cast. Neither the Association nor its Managing Agent shall register any of the Secret Ballots or Proxies received by the Association.

2. **Secret Ballot.** All items legally requiring a vote of the membership shall be held by secret ballot, including but not limited to assessments, selection and removal of members of the Association's board of directors, amendments to the governing documents, or the grant of exclusive use of common area property. In order to preserve confidentiality, a voter may not be identified by name, address or lot, parcel or unit number on the ballot itself. The balloting materials shall include all of the following:

- a. One Secret Ballot shall be issued for each separate interest owned and the owner of each separate interest is entitled to cast one ballot, regardless of the number of owners shown on the Association's membership roster. If more than one owner of a jointly-owned separate interest attempts to submit a ballot, even by mistake, the first ballot received will be counted.
- b. The Secret Ballot shall contain the names of Candidates who timely delivered the required forms to the Association as referenced above. If there are no such Candidates, or if there are fewer Candidates than the number of Directors to be elected, the Secret Ballot will include the names, if any, of the Candidates and/or blank lines for write-in Candidates.
- c. A write-in Candidate, unless nominated by the Candidate in writing and submitted with the Secret Ballot, must also be nominated from the floor of the Annual Meeting (or other Membership or Board meeting where voting by Secret Ballot will occur), by him or herself, or by another Member.
- d. The Secret Ballot shall NOT identify the Member (or their designee) by name, address, lot, parcel number or number. If the Member does sign the Secret Ballot or identify him/herself, the Member shall waive his or her right to secrecy and the Ballot shall, at the option of the Inspector(s), be accepted by the Inspector(s) as a valid Secret Ballot.
- e. The Secret Ballot itself is NOT signed by the Member (or their designee) but

is placed into a ballot envelope (“Ballot Envelope”), which is then sealed. The Ballot Envelope is then inserted into the second pre-addressed envelope (“Address Envelope”) that is then sealed. In the upper left-hand corner of the Address Envelope, the Member (or their designee) must indicate his/her name and property address that entitles him/her to vote. The Member must also sign his/her name on the Address Envelope.

f. The owners of multiple properties (with the exception of the Declarant) must submit separate sealed Secret Ballot envelopes for each separate interest owned.

g. The Address Envelope is addressed to the Inspector(s) of Election for the tallying of votes. The Address Envelope can be mailed or delivered by hand by the Member to the location designated by the Inspector(s) of Election. Any member can request a receipt for hand-delivery of his or her Secret Ballot. Any Member desiring a receipt for mail delivery shall send the Secret Ballot by certified mail, return receipt requested, to the location designated by the Inspector(s).

h. The sealed Secret Ballots shall be kept in the custody of the Inspector(s) of Election or at a location designated by the Inspector(s) of Election until the tabulation of the Secret Ballots by the Inspector(s), at which time custody can then be transferred to the Association. After tabulation, Secret Ballots shall be stored by the Association in a secure place for no less than one (1) year after the date of the election.

i. Ballots distributed to each and every member shall identify the proposed action, provide an opportunity to specify approval or disapproval and provide at least thirty (30) days upon which to return the ballot to the Inspector(s) of Election. The voting instructions contained within the ballot materials will show a date by which the ballots must be delivered to the location designated by the Inspector(s) of Election by either the United States Postal Service, overnight delivery service or hand delivery.

j. Only Secret Ballots prepared by the Association will be accepted by the Inspector(s) either by mail or in person.

k. When the Chairperson announces, following a motion duly seconded and approved by the membership, that balloting is closed, no further members may submit a ballot to be counted.

l. Once a Member mails or delivers his/her Secret Ballot to the location designated by the Inspector(s), that Secret Ballot cannot be changed or revoked.

3. **Quorum by Ballot.** Each ballot received by an Inspector of Elections is deemed as a member present at a meeting for purposes of establishing a quorum.

4. **Ballot Delivery to Members.** Ballots and two (2) preaddressed envelopes with instructions on how to return ballots will be mailed by first-class mail or delivered to every member not less than thirty (30) days prior to the deadline for voting.

## VI. PETITIONS

A. Purpose. The purpose of the petition for a membership meeting must be set forth in the petition so members know what they are signing. Meetings may only be called for a proper purpose.

B. Signatures. Only members may sign petitions. Signatures by persons not on title are invalid. The Association may validate signatures by comparing them against signatures on file with the Association or by contacting signers to verify their signatures. Any person on title to a property can sign on behalf of the property but it counts only once. If there are ten owners on title for one unit, all of whom sign a petition, it counts as one signature not ten.

C. Withdrawal of Signatures. A petition can be rendered invalid if a sufficient number of signers withdraw their names such that the number of remaining signers falls below 5% of total voting power of the membership.

D. Setting the Date. The date of the special meeting shall be set by the Board and may not be less than 35 nor more than 90 days from receipt of request. Notice of the date shall be given to the membership not more than 20 days from receipt of the petition.

E. Recall Petitions. Recalls may not be started against the board as a whole or any individual director if: (a) the board or director has held office during the current term for less than 90 days; (b) a recall election has been determined in the board's or director's favor within the last six months; or (c) for the recall of a board an annual meeting will be held within six months or less or the recall of individual directors, their term will end within six months or less. Additionally, if a recall of the entire board fails, a six-month waiting period must be observed before recall petitions may be filed against individual directors.

## VII. MEETING PROCEDURES

Chair of Meeting. The President of the Board shall call the membership meeting to order and shall chair the meeting unless a majority of the Board selects another person to chair the meeting.

A. Quorum. The quorum requirement for membership meetings is a majority of the voting power of the Association, excluding those members whose voting rights have been suspended. The members may be represented in person or by proxy. When a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote, and voting on any matter shall be the act of the members.

B. Loss of Quorum. The members present at a duly called meeting at which a quorum is present may continue to transact business until the loss of a quorum. The business must be approved by enough members to constitute at least a majority of a quorum had a quorum been present.

C. Lack of Quorum. In the absence of a quorum, no business may be transacted except to adjourn the meeting to another date and time. A majority of the members present and entitled to vote may adjourn the meeting, if at any meeting of the Association a quorum is not present. An adjournment for lack of a quorum shall be to a date no later than forty-five (45) days from the date the original meeting was called. If a new date is not announced prior to adjournment, the Board President (or the remaining directors in the President's absence or failure to act) may set the date for a subsequent meeting and shall be given either personally or by first-class mail, charges prepaid, and addressed to each member: (i) at the address appearing on the books of the Association, (ii) at the address given by the member for the purpose of notice, or (iii) at the address of the member's unit, if no address appears on the Association's books and no other address has been given. Notice shall be deemed to have been given at the time when delivered personally or deposited in the mail.

D. Counting Ballots. The Inspectors of Election, or his or her designee, shall count and tabulate all official ballots in public at a properly noticed open meeting of the Board of Directors or members. 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 at which the ballots are counted and tabulated. Any candidate or other member of the Association may witness the counting and tabulation of the votes. The results of any election shall be promptly reported to the Board of Directors and shall be recorded in the minutes of the Board meeting and shall be available for review by all Members of the Association. Within fifteen (15) days of the election, the Board shall publicize the results of the election in a communication directed to all members (this could be done in the form of a newsletter or email if it is distributed to the members within the 15-day timeline.)

E. Breaking a Tie. In the event of a tie, all other newly elected Directors shall immediately begin serving their terms. An incumbent Director whose seat was tied shall continue in office until a runoff election determines the winner for his/her seat. Only those candidates who tied for the seat shall be in the runoff. In lieu of a runoff and if the tied candidates agree, the winner may be decided by a coin toss or the drawing of names by the Inspector of Elections.

### **VIII. POST-ELECTION RESULTS**

A. Results of the Election. The tabulated results of the election shall be announced immediately after all the ballots have been counted. The tabulated results of the election shall be promptly reported to the Board of Directors and shall be recorded in the minutes of the next Board meeting. Within fifteen (15) days of the election, the Board shall publicize the tabulated results of the election in a communication directed to all members.

B. Status of the Ballots after Election. The sealed ballots at all times shall be in the custody of the Inspector or Inspectors of Election or at a location designated by the Inspector or Inspectors until after the tabulation of the vote and until the time allowed by Section 7527 of the Corporations Code for challenging the election has expired, at which time custody shall be transferred to the Association. After the transfer of the ballots to the Association, the ballots shall be stored by the Association in a secure place for no less than one (1) year after the date of the election, after which the election materials may be disposed of.

C. Election Recount. Any member of the Association may demand a recount of the ballots provided (i) demand is made in writing to the Inspector of Elections within five days after the election results have been announced, and (ii) the member pays in advance for the cost of the recount. Monies advanced by the member shall be refunded if the outcome of the election is changed by the recount. The recount shall be commenced not less than seven days following the request for the recount and shall be done under the supervision of the Inspector of Elections. The recount may be observed by members of the Association. No election materials may be touched or handled by any person without the express consent of the Inspector of Elections and under the supervision of the Inspector. The results of the recount shall be reported to the Board of Directors and shall be recorded in the minutes of the next Board meeting and reported to the membership.

D. Inspection of Ballots. Election materials may be inspected by any member upon payment in advance of costs related to the inspection. No election materials may be touched or handled by any person without the express consent of the Inspector of Elections and under the supervision of the Inspector.

## IX. REMOVAL/RECALLING OF DIRECTORS

The Association Governing Documents described the procedure for recalling or removing a director. Generally, the membership may recall the entire Board or an individual director, subject to cumulative voting restrictions. The first step is for the membership to vote by secret ballot to remove a director. If an association has fewer than 50 members, the removal is approved by the affirmative vote of a majority of all members entitled to vote. (Corp. Code §7222(a).) If the association has 50 or more members, removal is approved by the affirmative vote of a majority of the votes represented and voting at a duly held meeting at which a quorum is present, with the affirmative votes also constituting a majority of the required quorum. (Corp. Code §7222(a).) The consideration of such a removal is initiated by a Petition of members to remove the Board or an individual member. Members may request a special meeting of the membership for the purpose of removing the entire board or individual directors and the election of new directors in the event the recall is successful. The petition must be signed by 5% or more of the membership (Corp. Code §7510(e)), meaning persons who are on title. Once a proper petition has been submitted to the board, the board must set a date for the meeting and send notice to the membership. The board must also prepare and send ballots as provided for in Civil Code §5115(a). Meeting Agenda. The only business that may be conducted at the special meeting is the recall of the directors and the election of new directors in the event the recall is successful. The notice of meeting shall specify those matters the board intends to present for action by the membership. Once members remove a director, his/her replacement must be elected by the membership not appointed by the board. (Corp. Code §7224(a).) The procedure for electing a new director is substantially the same as described above.

## X. CONSULTATION WITH LEGAL COUNSEL

The Inspector(s) have the authority to confer with Association legal counsel in advance of, or at the meeting where Secret Ballots are to be counted. Legal counsel represents the Association and does not represent the Members, Inspector(s), Board Members, management or any other person. By the adoption of these Rules, the Association waives the attorney-client confidential communication privilege, and Association legal counsel has been authorized by the Board of Directors to provide advice to, as determined necessary or prudent by the attorney, for the limited purpose of informing and advising the Inspector regarding issues related to the Inspector performing its duties for the Association

I certify that this is a true and accurate copy as updated by 2020 Board of Directors.

Original signed: *Suzanne Avin*

Corporate Secretary

Date: January 8, 2020

**CANDIDATE SELF NOMINATION FILING FORM**  
For the 2020 Election of Directors

**Filing Deadline:** This form must be received by the Association no later than 5:00 p.m. on March 27,2020.

**Qualifications:** All candidates for the Board are subject to meeting the qualifications set forth in the governing documents.

I hereby nominate myself as a candidate for the Board of Directors. *(Please legibly print or type the information below.)*

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home telephone \_\_\_\_\_ Work \_\_\_\_\_

E-mail address \_\_\_\_\_

**OPTIONAL FOR EACH CANDIDATE: Attached is my Candidate Statement, summarizing my goals for the community, reasons for running for election, and other information related to the election.**

**CERTIFICATION:**

**BY SIGNING BELOW, I HEREBY CERTIFY THAT I HAVE REVIEWED AND MEET ALL OF THE QUALIFICATIONS FOR CANDIDACY CONTAINED IN THE BYLAWS AND ELECTION RULES.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

.....OFFICE USE ONLY.....

Date received: \_\_\_\_\_ Received by: \_\_\_\_\_

Comments: \_\_\_\_\_