ELECTION RULES

CALIFORNIA PARK ASSOCIATION

If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

TABLE OF CONTENTS
TO
ELECTION RULES
CALIFORNIA PARK ASSOCIATION

		Page Number
ARTICLE 1	**INSPECTOR OF ELECTIONS**	1
1.1	Appointment and Term.	1
1.2	Qualifications.	1
1.3	Powers.	1
1.4	Duties.	2
ARTICLE 2	**DIRECTOR QUALIFICATIONS**	2
2.1	Candidate Qualifications.	2
ARTICLE 3	**NOMINATION PROCEDURES**	3
3.1	Self-Nomination.	3
3.2	Candidate Not Qualified to Serve.	4
3.3	Holding Office.	4
3.4	Notice and Procedure for Nominations.	4
ARTICLE 4	**MEDIA ACCESS**	4
4.1	Equal Access.	4
4.2	Publication by Association.	4
ARTICLE 5	**COMMON AREA MEETING SPACE**	4
5.1	Terms of Use.	4
5.2	Election Forum.	4
5.3	Candidate Responsibility for Use of Common Area.	4
ARTICLE 6	**ASSOCIATION FUNDS**	4
6.1	Funds Used to Conduct Election.	4
6.2	Funds Not Used to Campaign.	5
ARTICLE 7	**VOTING QUALIFICATIONS**	5
7.1	One Vote Per Residence.	5
7.2	Joint Ownership.	5
7.3	Cumulative Voting.	5
ARTICLE 8	**METHODS OF VOTING; PROXIES**	5
8.1	Proxies.	5
ARTICLE 9	**VOTING PERIOD**	5
9.1	Beginning of Voting Period.	5
9.2	Extend Voting Period.	5
9.3	Director Election at Least Once Every Four Years.	5
ARTICLE 10	**SECRET BALLOT AND VOTING PROCEDURE**	6
10.1	Access to a Ballot.	6
10.2	Notices Prior to Holding an Election.	6
10.3	Secret Ballots.	6
10.4	Vote Tabulation.	7
ARTICLE 11	**VOTING RESULTS, STORAGE, AND RETENTION**	7
11.1	Election Results.	7
11.2	Custody, Storage, and Retention of Secret Ballots from Elections.	8

CALIFORNIA PARK ASSOCIATION
ELECTION RULES

The Board of Directors adopted these rules in accordance with Civil Code Section 4340 *et seq*. Notwithstanding any other law or provision of the Association's governing documents, these rules shall apply to all matters set forth in Civil Code Sections 5100–5125 as they may be amended from time to time. Unless context indicates otherwise, capitalized terms used herein shall have the same meaning as in the governing documents. These Election Rules ("Rules") shall not be amended less than ninety (90) days prior to an election. The term "Residence" refers to the separate interest owned by a member(s).

ARTICLE 1 INSPECTOR OF ELECTIONS

1.1 Appointment and Term.

1.1.1 Appointment. The Board of Directors (the "Board") shall appoint one (1) or three (3) persons to serve as the Inspector of Elections (the "Inspector"), who shall serve at the discretion of the Board, and who shall have such powers and duties as the Board determines, subject to provisions in these Rules.

1.1.2 Term. The Inspector shall serve in their capacity until they resign, are discharged by the Board, or until they submit their completed written report to the Board as required by Section 1.4.2.9 of these Rules.

1.2 Qualifications. The Inspector shall be an independent third-party who is not any of the following:

1.2.1 Currently a Director on or a candidate for the Board;

1.2.2 Related to a Director on or to a candidate for the Board; and

1.2.3 A person, business entity, or subdivision of a business entity that is currently employed or under contract with the Association for any compensable services other than serving as Inspector. This provision cannot be waived under Civil Code Section 5110(b).

1.3 Powers.

1.3.1 The Inspector shall preside over member elections or votes on any of the matters set forth in Civil Code Section 5100, which provides that elections regarding assessments legally requiring a vote, election and removal of directors, amendments to governing documents, or the grant of exclusive use of common area pursuant to Civil Code Section 4600 shall be held by secret ballot in accordance with the procedures set forth herein.

1.3.2 If authorized by the Board, the Inspector may meet and discuss election issues with the Association's legal counsel or amongst themselves if there are three (3) Inspectors.

1.3.3 If there are three (3) Inspectors, the decision or act of two (2) or more of the Inspectors shall be effective in all respects as the decision or act of the Inspector.

1.3.4 The Inspector may appoint and oversee additional persons to count and tabulate votes as the Inspector deems appropriate.

1.4 Duties.

1.4.1 The Inspector shall perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical, and in a manner that protects the interest of all Members of the Association.

1.4.2 The Inspector shall do the following:

1.4.2.1 Determine the number of memberships entitled to vote and the voting power of each;

1.4.2.2 Determine the authenticity, validity, and effect of proxies, if any;

1.4.2.3 Receive ballots;

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

1.4.2.5 Count and tabulate all votes;

1.4.2.6 Determine when polls close, consistent with the governing documents;

1.4.2.7 Determine the results of the election;

1.4.2.8 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; and

1.4.2.9 Prepare a written report of the activities undertaken in any election.

1.4.3 The management company may assist the Inspector in performing all duties of the Inspector listed above in Section 1.4.2, except the physical counting and tabulation of votes and determining the results of the election. The Inspector retains the obligation to perform all responsibilities in Section 1.4.2.

1.4.4 It is the intent of the Association that if a member of the Association serves as a volunteer Inspector, such volunteer shall be considered a volunteer committee member or a volunteer officer of the Association for purposes of directors and officers insurance and rights of indemnity arising out of the Inspector's conduct in their role as Inspector under Civil Code Section 5800.

ARTICLE 2 DIRECTOR QUALIFICATIONS

2.1 Candidate Qualifications. All candidates for election to the Board shall meet the following qualifications for Directors.

2.1.1 Members. A candidate shall be a Member of the Association at the time of nomination. If title is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person in writing to be a Member for purposes of this subsection. The Association shall bear no liability for the veracity of such appointment.

2.1.2 Current in Assessments. Only Members who are current in the payment of regular or special assessments shall be eligible to be elected to and serve on the Board. This provision applies throughout every Director's term of office.

2.1.2.1 The Association may not disqualify a candidate for nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party.

2.1.2.2 The Association may also not disqualify a candidate for failure to be current in payment of regular and special assessments if either of the following is true:

2.1.2.2.1 The candidate has paid the regular or special assessment under protest pursuant to Civil Code Section 5658.

2.1.2.2.2 The candidate has entered into a payment plan pursuant to Civil Code Section 5665.

2.1.3 One Owner per Residence. Only one (1) Owner of a particular Residence ("Residence") shall serve on the Board at any time.

2.1.4 Prevention of Fidelity Bond Coverage. A Member shall neither be qualified as a candidate nor continue to serve as a Director if that candidate or Director has a past criminal conviction which would prevent the Association from purchasing fidelity bond coverage as required by Civil Code Section 5806 or would terminate the Association's existing fidelity bond coverage.

2.1.5 Engaging in Internal Dispute Resolution. The Association shall not disqualify a Member from nomination who is delinquent in payment of their regular or special assessments if the Member has neither requested nor been asked and provided the opportunity to engage in internal dispute resolution with the Association. This provision shall not apply, however, if the Association has previously offered the Member the opportunity to engage in the Association's internal dispute resolution process regarding the delinquency.

ARTICLE 3 NOMINATION PROCEDURES

3.1 Self-Nomination. Members may self-nominate as candidates for election to the Board by giving written notice of such nomination to the Association, or its designated agent, on or before a date determined by the Board, which shall be no less than thirty (30) days after nominations are being accepted. The Board may, but is not obligated to, appoint a nominating committee.

3.2 Candidate Not Qualified to Serve. If a candidate is not qualified to hold an elected position, their name shall not appear on the secret ballot and they will not be permitted to serve if elected.

3.3 Holding Office. Each Director, unless removed by a vote of the Members, shall hold office until the expiration of the term for which they have been elected or appointed and until their successor has been properly elected and qualified.

3.4 Notice and Procedure for Nominations. The Association shall provide general notice of the procedure and deadline for submitting a nomination at least thirty (30) days before any deadline for submitting a nomination. Individual notice shall be delivered pursuant to Civil Code Section 4040 if requested by a Member.

ARTICLE 4 MEDIA ACCESS

4.1 Equal Access. If the Association provides media access during a campaign, equal access shall be provided to all candidates and Members advocating a point of view for purposes that are reasonably related to the election.

4.2 Publication by Association. If any publicity is provided by the Association, the Association will not censor, edit, or redact the communication but shall include a statement specifying that the message is that of the Member's and the Association is not responsible for its content. The Association shall publish the following statement:

> "*The views expressed are those of its author and do not reflect the views of the Association, its directors, managers, employees, or agents. The author is solely responsible for its content. The Association is required by law to publish the communication as written regardless of the content.*"

ARTICLE 5 COMMON AREA MEETING SPACE

5.1 Terms of Use. Common area meeting space, if any exists, shall be provided at no cost to all candidates and Members advocating a point of view for purposes reasonably related to the election or vote, subject to Association regulations and rules assuring orderly and fair use of such meeting space.

5.2 Election Forum. The Board may schedule a community election forum prior to an election of the Board or a vote subject to these Rules whereby candidates and Members advocating a point of view which is the subject matter of the pending election or vote may attend and speak to Members choosing to attend. A community election forum shall be conducted in accordance with the governing documents and any rules adopted by the Board.

5.3 Candidate Responsibility for Use of Common Area. Any Member desiring to use common area meeting space, if any, for such a purpose shall be responsible for leaving the premises in the condition it was found.

ARTICLE 6 ASSOCIATION FUNDS

6.1 Funds Used to Conduct Election. Association funds shall be used for conducting an election.

6.2 Funds Not Used to Campaign. Association funds shall not be used for purposes of campaigning in an election in violation of Civil Code Section 5135.

ARTICLE 7 VOTING QUALIFICATIONS

7.1 One Vote Per Residence. Members shall be entitled to one (1) vote for each Residence they own. Votes may be cast by a person who provides documentation showing they hold general power of attorney for a Member. The Association shall bear no liability for the veracity of the general power of attorney provided.

7.2 Joint Ownership. In the event more than one (1) person owns a given Residence, the vote for such Residence shall be exercised as the Owners among themselves shall determine, but in no event shall more than one (1) vote be cast with respect to any Residence. If the joint Owners of a Residence are unable to agree among themselves as to how their vote is to be cast, such vote shall be cast in accordance with the decision of a majority of such Owners. If there is no such majority, the vote for the Residence shall not be cast either in favor of or opposed to the issue or issues which are the subject of the vote, but the membership shall be counted for purposes of determining whether the quorum requirements applicable to the vote or meeting have been met. If any Owner casts a vote representing a certain Residence and no written objection thereto is received by the Secretary prior to the close of voting, it will be conclusively presumed for all purposes that such Owner was acting with the authority and consent of the other Owners of that Residence.

7.3 Cumulative Voting. Cumulative voting may be used in any vote to elect or remove Directors as long as any candidate's name for whom any Member cumulatively casts votes on the secret ballot has been put into nomination prior to the commencement of voting and as long as any Member has given notice of their intention to cumulate votes at the Board Meeting prior to the mailing of secret ballots. If applicable, every Member may cumulate votes and give them to a single candidate or distribute them among different candidates.

ARTICLE 8 METHODS OF VOTING; PROXIES

8.1 Proxies. Proxies may be used as provided for in the Bylaws and under California law.

ARTICLE 9 VOTING PERIOD

9.1 Beginning of Voting Period. The voting period shall begin and close on the dates established by the Board or the Inspector. The close of the election shall be not less than thirty (30) days from the date the ballots are distributed to the members.

9.2 Extend Voting Period. Subject to Section 10.4.4 below, the Board or the Inspector shall have the discretion to extend the voting period if sufficient secret ballots have not been received.

9.3 Director Election at Least Once Every Four Years. The Association shall hold an election for a seat on the Board using the procedures in these Rules at the expiration of each Director's term of office and at least once every four (4) years.

ARTICLE 10 SECRET BALLOT AND VOTING PROCEDURE

10.1 Access to a Ballot.

10.1.1 The Association shall not deny a ballot to a Member for any reason other than not being a Member at the time when ballots are distributed.

10.1.2 The Association shall not deny a ballot to a person with general power of attorney for a Member.

10.1.3 The ballot of a person with general power of attorney for a Member shall be counted if returned in a timely manner.

10.2 Notices Prior to Holding an Election. In addition to other notice deadlines contained in these Rules, the Association shall provide general notice of all of the following at least thirty (30) days before ballots are distributed:

10.2.1 The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector.

10.2.2 The date, time, and location of the meeting at which ballots will be counted.

10.2.3 The list of all candidate names that will appear on the ballot.

10.2.4 Individual notice of the above paragraphs shall be delivered pursuant to Civil Code Section 4040 if notice is requested by a Member.

10.3 Secret Ballots. Voting on the matters addressed in Civil Code Sections 5100–5115 shall be determined by using a double envelope system to ensure the anonymity of the Member casting their vote.

10.3.1 At least thirty (30) days before an election, the Inspector of Election shall deliver, or cause to be delivered, to each Member both of the following documents:

10.3.1.1 The secret ballot or ballots and two (2) pre-addressed envelopes, a smaller (inner) envelope and a larger (outer) envelope, along with instructions on how to return the secret ballot;

10.3.1.2 A copy of these Rules. Delivery of these Rules may be accomplished by either of the following methods:

10.3.1.2.1 Posting these Rules to an internet website and including the corresponding internet website address on the ballot together with the phrase, in at least twelve (12)-point font: "The rules governing this election may be found here:"

10.3.1.2.2 Individual delivery.

10.3.2 A voter may not be identified on the secret ballot by name, address, or the Residence that entitles the Member to vote on the secret ballot.

10.3.3 The secret ballot itself is not to be signed by the Member voting but is to be inserted into the smaller (inner) envelope that is sealed by the Member. This envelope is inserted into the larger (outer) envelope that is sealed by the Member.

10.3.4 The larger (outer) envelope is addressed to the Inspector. In the upper left-hand corner of the larger (outer) envelope, the voter prints and signs their name, address, and Residence that entitles them to vote.

10.3.5 The secret ballot may be mailed or hand delivered to a location specified by the Inspector. The Member may request a receipt for delivery.

10.3.6 Once a secret ballot is cast it cannot be revoked or changed. A secret ballot is "cast" when the Inspector receives it.

10.3.7 In an election to approve an amendment of the governing documents, the text of the proposed amendment shall be delivered to the Members with the ballot.

10.4 Vote Tabulation.

10.4.1 The secret ballots shall not be opened or otherwise reviewed prior to the time and place at which the ballots are counted and tabulated. In no event, shall any secret ballots be opened if insufficient secret ballots were returned to meet the quorum requirement.

10.4.2 The envelopes shall be opened and the secret ballots shall be counted and tabulated at either a properly noticed Board meeting or a Member meeting. Any candidate or other Member of the Association may witness the counting and tabulation of the secret ballots.

10.4.3 Only the Inspector, or persons designated by the Inspector, shall open the envelopes and count and tabulate the secret ballots.

10.4.4 If the Inspector determines that the Members returned an insufficient number of secret ballots to meet quorum or otherwise, the Board or the Inspector may extend the voting period.

ARTICLE 11 VOTING RESULTS, STORAGE, AND RETENTION

11.1 Election Results.

11.1.1 The Inspector shall promptly report the results of the election to the Board who shall record the results of the election in the minutes of the next Board meeting and shall be available for review by the Members of the Association.

11.1.2 Within fifteen (15) days of the election, the Board shall publicize the results of the election in a communication directed to the Members.

11.2 Custody, Storage, and Retention of Secret Ballots from Elections.

11.2.1 Custody.

11.2.1.1 The sealed ballots; signed voter envelopes; voter list of names, parcel numbers, and voters to whom ballots were sent and the candidate registration list shall, at all times, be in the custody of the Inspector or at a location designated by the Inspector until after the tabulation of the vote; and then for one (1) year, at which time custody shall be transferred to the Association. One (1) year after the Member vote concluded, the Association must retain, as Association records, these documents for the remainder of the current fiscal year in which it receives the documents from the Inspector and for the following two (2) fiscal years.

11.2.1.2 In the event of a recount or other challenge to the election process, the Inspector shall, upon written request, make the secret ballots available for inspection and review by Members or their authorized representatives, if the request is timely. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

11.2.1.3 Signed voter envelopes may be inspected but shall not be copied by any Member inspecting Association records.

11.2.2 Storage and Retention.

11.2.2.1 Materials that shall be retained as election materials include:

11.2.2.1.1 Candidate Registration List.

11.2.2.1.2 Voter List. This list shall include the name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used.

11.2.2.2 Inspection of Lists. The Association shall permit Members to verify the accuracy of their individual information on both lists at least thirty (30) days before the ballots are distributed. The Association or Member shall report any errors or omissions to either list to the Inspector, who shall make the corrections within two (2) business days.

CERTIFICATE OF ADOPTION

I hereby certify that I am the Secretary of the Association and that the foregoing Election Rules are a true copy of the Election Rules approved by the Board at its meeting held on October 23, 2020, at which a quorum of the Directors was present. I further certify that the foregoing Election Rules are infull force and effect; that the same have not been rescinded, nor has it been amended or modified.

Dated: October 23, 2020

By: _____
Edward Seagle, Secretary