

WEST ALMANOR COMMUNITY CLUB
ELECTION RULES

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**WEST ALMANOR COMMUNITY CLUB
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 *et eq.* as may be amended. 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 the Members.

ARTICLE 1 INSPECTOR OF ELECTIONS

1.1 Appointment and Term.

1.1.1 Appointment. The Board of Directors ("Board") shall appoint one (1) or three (3) persons to serve as the Inspector of Elections ("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 report to the Board as required by Section 1.4.1.8 of these Rules.

1.2 Qualifications. The Inspector shall be an independent third-party who is not any of the following: (a) currently a Director or a candidate for the Board, (b) related to a Director or a candidate for the Board, or (c) a person, business entity, or subdivision of a business entity 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. The Inspector shall preside over Member elections or votes on any of the matters set forth in Civil Code section 5100, which provides 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.

1.3.1 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.

1.3.2 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.

1.3.3 The Inspector may appoint and oversee additional persons who meet the qualifications under Section 1.2 of these Rules, to count and tabulate votes as the Inspector deems appropriate.

1.4 Duties. 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 protecting the interest of all Members of the Association. In addition, the Inspector shall do the following:

1.4.1 Determine the number of Members entitled to vote and the voting power of each.

1.4.2 Receive secret ballots.

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

1.4.4 Count and tabulate all votes.

1.4.5 Determine when polls close, consistent with the governing documents.

1.4.6 Determine the results of the election.

1.4.7 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, which are not in conflict with this Section.

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

1.4.9 Each Member voting by electronic secret ballot shall be provided with the following:

1.4.9.1 A method to authenticate the Member's identity to the internet-based voting system.

1.4.9.2 A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each secret ballot.

1.4.9.3 A method to confirm, at least thirty (30) days before the voting deadline, that the Member's electronic device can successfully communicate with the internet-based voting system.

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

1.4.10.1 Authenticate the Member's identity.

1.4.10.2 Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.

1.4.10.3 Transmit a receipt from the internet-based voting system to each Member who casts an electronic secret ballot.

1.4.10.4 Permanently separate any authenticating or identifying information from the electronic secret ballot rendering it impossible to connect an election ballot to a specific Member.

1.4.10.5 Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

1.4.11 The management company may assist the Inspector in performing all duties of the Inspector listed above in Section 1.4, 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.

1.4.12 It is the intent of the Association, 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 director and officer liability 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 Member. Candidates shall be Members of the Association. This does not restrict a developer from making a nomination of a nonmember candidate consistent with the voting power of the developer as set forth in the regulations of the Department of Real Estate and the Association's governing documents. If title is held by a legal entity, which is not a natural person, the governing authority of the 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 an appointment.

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

2.1.3 Current 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. The Association may not disqualify a candidate for failure to be current in payment of regular and special assessments if either of the following is true: (a) the candidate has paid the regular or special assessment under protest pursuant to Civil Code section 5658, or (b) the candidate has entered a payment plan pursuant to Civil Code section 5665. 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.

2.1.4 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 not been provided the opportunity to engage in internal

dispute resolution with the Association. This provision shall not apply if the Association has previously offered the Member the opportunity to engage in the Association's internal dispute resolution process regarding the assessment delinquency.

2.1.5 Prevention of Fidelity Insurance Coverage. A Member shall not be qualified as a candidate or continue to serve as a Director if the candidate or Director has a past criminal conviction which would prevent the Association from purchasing fidelity insurance coverage as required by Civil Code section 5806 or would terminate the Association's existing fidelity insurance coverage.

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 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.

3.5 Uncontested Election of Directors. If after the close of nominations, the number of candidates nominated for the Board is equal to or less than the number of Directors to be elected, the Board may use acclamation, using the procedures required by Civil Code section 5103, provided the Association has held a regular election for the Directors in the last three (3) years. The three (3) year period shall be calculated from the date secret ballots were due in the last Director election to the start of voting for the proposed election.

ARTICLE 4 VOTING QUALIFICATIONS

4.1 Voting Rights. Members shall be entitled to cast votes in elections, as further set forth in the Association's Bylaws. 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.

4.2 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, such Owner was acting with the authority and consent of the other Owners of the Residence.

4.3 Cumulative Voting. Cumulative voting is prohibited in accordance with the Bylaws.

4.4 Proxies. Proxies are prohibited in accordance with the Bylaws.

4.5 Access to a Ballot. 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. The Association shall not deny a ballot to a person with general power of attorney for a Member. The ballot of a person with general power of attorney for a Member shall be counted if returned in a timely manner.

ARTICLE 5 ELECTRONIC VOTING

5.1 Use of Electronic Voting. The Association may conduct elections by electronic voting as provided for in these Rules. The Association may utilize the Inspector, as specified in Civil Code section 5110, to conduct an election by electronic secret ballot, except for an election regarding regular or special assessments, as provided for in Civil Code section 5600, *et seq.* As used in these Rules, "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 Civil Code section 5100 *et seq.*

5.2 Method of Voting. All Members who have identified email as their preferred method of delivery for receiving notices pursuant to Civil Code section 4041, or who otherwise identify electronic voting as their preferred method of voting, shall vote in elections provided for in these Rules by electronic voting. Members may change their preferred method of voting from electronic secret ballot to paper secret ballot or paper secret ballot to electronic secret ballot no later than ninety (90) days before an election. Members who vote by electronic secret ballot must provide their email address to the Association. 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 paper secret ballot.

5.3 Changing Method of Voting. If a Member's preferred method of delivery or voting is not electronic secret ballot, or if a Member opts out of voting by electronic secret ballot, the Association shall mail a paper secret ballot to the Member.

5.4 Notice Prior to Election. The Association shall provide individual notice, delivered pursuant to Civil Code section 4040, at least thirty (30) days before the deadline to opt out of voting by electronic secret ballot, of the following:

5.4.1 The Member's current voting method.

5.4.2 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.

5.4.3 An explanation that the Member is required to opt out of voting by electronic secret ballot if the Member elects to vote by paper secret ballot.

5.4.4 An explanation of how a Member may opt out of voting by electronic secret ballot.

5.4.5 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.

5.5 Annual Notice. The Association shall include instructions in the Annual Policy Statement regarding how to change their preferred method of voting to electronic secret ballot or paper secret ballot.

5.6 List of Voting Preferences. The Association shall maintain a list of Members who will vote by electronic secret ballot and all Members who will vote by paper secret ballot.

5.7 Ballot Contents. Electronic secret ballots and paper secret ballots shall contain the same list of items and information being voted on. If the Association conducts an election to approve an amendment of governing documents by electronic secret ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those Members who vote by electronic secret ballot, pursuant to Civil Code section 5105. The Association shall also deliver a paper copy of the text of the proposed amendment to those Members upon request and without charge. If a Member votes by paper secret ballot, pursuant to Civil Code section 5105, the Association shall deliver a written copy of the text of the proposed amendment to the Member with the ballot.

5.8 Nominations from the Floor. Nominations from the floor of Membership meetings is prohibited.

5.9 Electronic Secret Ballot Delivery. Electronic secret ballots shall be delivered by individual delivery at least thirty (30) days before the election, and must contain instructions regarding (a) how to obtain access to the internet-based voting system; and (b) how to vote by electronic secret ballot. Electronic secret ballots may be included in an electronic individual notice sent pursuant to Civil Code section 4040. Delivery of the individual notice may be accomplished by electronic submission to an address, location, or system designated by the Member.

5.10 Casting Electronic Secret Ballot. A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by the Inspector. A vote made by electronic secret ballot shall not be revoked.

5.11 Quorum. For purposes of determining a quorum, a Member voting electronically pursuant to these Rules 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.

ARTICLE 6 SECRET BALLOT AND VOTING PROCEDURE

6.1 Pre-Voting Notice Prior to 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:

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

6.1.2 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.

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

6.1.4 The list of all candidate names, which will appear on the ballot.

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

6.2 Distribution of Secret Ballots. Voting on matters addressed in Civil Code sections 5100 to 5115 shall be determined by using electronic voting or double envelope voting system to ensure the privacy of the Member casting their vote. When paper secret ballots are used the following shall apply:

6.2.1 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:

6.2.1.1 The secret ballot and two (2) envelopes: (a) a privacy envelope, and (b) a mailing envelope, with instructions on how to return the secret ballot, unless the Association conducts an election by electronic secret ballot as provided for in Civil Code section 5105, in which case only Members who will vote by paper secret ballot pursuant to Civil Code section 5105 shall be mailed or delivered the ballots and envelopes.

6.2.1.2 A copy of these Rules. Delivery of these Rules may be accomplished by either of the following methods: 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:" or by individual delivery.

6.2.2 The mailing envelope is addressed to the Inspector. In the upper left-hand corner of the mailing envelope, the voter prints and signs their name, address, and Residence entitling them to vote.

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

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

6.2.5 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. If the Association conducts an election to approve an amendment of governing documents by electronic secret ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those Members who vote by electronic secret ballot, pursuant to Civil Code section 5105.

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

6.2.7 The secret ballot itself is not to be signed by the Member voting but is to be inserted into the privacy envelope, sealed by the Member. This envelope is inserted into the mailing envelope, sealed by the Member.

6.3 Counting Secret Ballots.

6.3.1 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.

6.3.2 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 observe the counting and tabulation of the secret ballots.

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

6.3.4 If the Inspector determines 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 7 ELECTION RESULTS, STORAGE, AND RETENTION

7.1 Election Results.

7.1.1 Reporting. 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.

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

7.2 Retention, Custody, and Storage of Election Documents.

7.2.1 Retention and Custody. The sealed ballots; signed voter envelopes; voter list of names, parcel numbers, and voters to whom ballots were sent, proxies, the candidate registration list, and the tally sheet of votes cast by electronic ballot, 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. For one (1) year after the Member vote concluded, the Association must retain, as an Association record, these documents for the remainder of the current fiscal year in which it receives the documents from the Inspector.

7.2.2 Storage. Materials retained as election materials shall include:

7.2.2.1 Candidate Registration List. The candidate registration list is retained by the Inspector, shall include the names of the candidates and their addresses.

7.2.2.2 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.

7.2.2.3 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.

7.2.3 Recount. 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 preserving the privacy of the vote.

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

ARTICLE 8 MEDIA ACCESS

8.1 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 reasonably related to the election.

8.2 Publication by Association. If any publicity is provided by the Association, it will not censor, edit, or redact the communication but may include a statement specifying the Association is not responsible for its content. The Association may 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.

8.3 Candidate Statements. Members may submit a candidate statement in Director elections. Candidate statements may not exceed one side of a single 8-1/2 x 11-inch page. Candidate statements received before the deadline for submission shall be photocopied in black and white as submitted and will be included with the voting materials, which are mailed to the members of the Association.

ARTICLE 9 COMMON AREA MEETING SPACE

9.1 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.

9.2 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.

9.3 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 10 ASSOCIATION FUNDS

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

10.2 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.

CERTIFICATE OF ADOPTION

I hereby certify I am the Secretary of the Association, and the foregoing Election Rules are a true copy of the Election Rules approved by the Board at its meeting held on _____, 2024, at which a quorum of the Directors was present. I further certify the foregoing Election Rules are in full force and effect and the same has not been rescinded, nor has it been amended or modified.

Dated: _____, 2024

By: _____
_____, Secretary