

PROPOSED RULE CHANGE

ARTICLE 20: ELECTION RULES

20.01 Qualifications for candidates for the position of director.

A. Each candidate **must be at least 21 years of age**, shall be a member in good standing of the Association, shall not be currently employed by the Association and shall not be on the Board of Directors of the Mil Potrero Mutual Water Company. **A candidate who is in litigation with the board of directors, Association staff or the Association is not eligible to be a director. Co-owners cannot serve on the board at the same time.**

B. **In order for a nominated candidate's name to be placed on the ballot, he or she must read and sign all documents related to the nomination process as described in Business Policies and Procedures A15.**

C. Prior to being declared elected or appointed and seated as such, each director shall take an oath or affirmation of office promising to well and truly perform the duties of the office being assumed to the best of his or her ability, to obey all laws governing the Association and all of its governing documents, to act in the best interests of the Association, not to act outside the scope of such person's authority and not to disseminate false, misleading, or confidential material relating to the Association. The form of oath or affirmation shall be prescribed by resolution of the Board of Directors.

20.02 Nomination process.

A. Members may nominate themselves. A member nominating another member must first obtain the written permission of the nominee.

B. A member who is to be a candidate for office shall notify the corporate secretary in writing of his/her intent to run by 5:00 p.m. at the PMCPOA business office by April 9th. If April 9 falls on a Saturday, Sunday, or holiday the deadline shall be 5:00 p.m. on the first business day thereafter. The letter of intent must include the nominee's intent to seek office, the term of office, tract and lot numbers, and must be signed by the nominee. All of the required information must be contained on one side of an 8-1/2" x 11" sheet of paper. The written intent to run must be accompanied by a completed candidate filing form and biography/resume as described in Business Policies and Procedures A15.

~~C. In order for a nominated candidate's name to be placed on the ballot, he or she must read and sign all documents related to the nomination process as described in Business Policies and Procedures A15.~~ **(Moved above)**

20.03 Access to Association Media.

The Association has no obligation to provide access to Association media, including newsletters or internet web sites, to candidates or to members advocating a point of view

related to an Association election. However, if any candidate or member is provided access to Association media during the campaign for purposes related to the election, then all candidates and members shall be provided equal access provided it is used for purposes reasonably related, in the Board of Director's sole discretion, to the election. 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. Articles will be published throughout the election process to notify membership of important deadlines and the progress of the election process, as well as results of the election.

20.04 Access to Common Area Meeting Space.

All candidates or members advocating a point of view reasonably related, in the Board of Director's sole discretion, to that election, shall have equal access to the common area meeting space for purposes reasonably related to the election.

20.05 Inspector of Elections

- A. The inspector of elections will be selected by vote of the Board of Directors following an open bid process in which qualified candidates are invited to bid.
- B. The inspector of elections will comply with the requirements of California Civil Code 5110 or its replacement section upon its amendment or replacement; rules and regulations detailed in the Pine Mountain Club Property Owners Association bylaws; and Business Policies and Procedures Policy A15, Election Procedures. The inspector will be present at the election to verify and certify the final tally of votes in the election of directors and in all matters that come before the membership to be voted on. In the event the inspector of elections is unable to attend the meeting of the members, the meeting will be postponed. A replacement inspector of elections may be appointed before the members meeting.

20.06 Voting

A. Any election regarding assessments legally requiring a vote, election or removal of membership of the Board of Directors, amendments to the CC&Rs or bylaws, or the grant of exclusive use of common area property pursuant to section 4600 of the California Civil Code or its replacement section upon its amendment or replacement shall be held by secret ballot as described herein. See bylaw section 5.09.

B. All members in good standing may vote by ballot. All such documents shall be treated as secret and confidential, and shall be submitted, handled, counted, and retained as prescribed in sections 5115, 5120 and 5125 of the California Civil Code or their replacement sections upon their amendment or replacement. A member may vote for a write-in candidate. Ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the Association to every member not less than 30 days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address, or lot and tract number on the ballot. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of voter absentee ballots, including the following: (i) the ballot itself shall not be signed by the voter, but shall be inserted into an envelope that is sealed; (ii) this envelope shall be inserted into a second envelope that is sealed; (iii) in the upper left hand corner of the second envelope, the voter shall be instructed to print and sign his or her name, address, and lot and tract number that entitles him or her to vote; (iv) the second envelope shall be addressed to the Inspector of Elections, and (v) the member shall be notified that he or she may request a receipt for delivery.

C. A ballot box may be, but is not required to be, accessible in the lobby of the PMCPOA clubhouse during the voting period.

D. If a member attends the meeting of members, the ballot may be delivered personally to the inspector of elections at any time after the meeting is called to order up until the time the chair of the board declares the voting is closed prior to conclusion of the meeting, as announced by the board.

E. No ballot shall be opened or reviewed prior to the time all votes are counted by the inspector of elections in public at a properly noticed open meeting of the Board of Directors or annual members' meeting. No person, including a member or employee of the Association, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated. As ballots are received, the inspector shall check off that a ballot has been received for that lot and tract number. The first ballot received for any lot and tract number shall be the ballot that is counted. Any subsequent ballots received for the same lot and tract number shall be deemed invalid and discarded. Any candidate or other member or employee of the Association may witness the counting and tabulation of the votes.

The sealed ballots shall at all times be in the custody of the inspector of elections until after the tabulation of the votes and expiration of the time (one year) allowed for challenging the election. (See section 5145 of the California Civil code or its replacement section upon its amendment or replacement.) After the one-year period, custody of the ballots shall be transferred to the board or general manager and

retained by the Association in a secure place for two years after the date of the election. Ballots will be destroyed as provided for in the California Civil code.

In the event of a recount or other challenge to the election process, the inspector of elections shall, upon written request, make the ballots available for inspection and review by members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

20.07 Reporting Results.

The results of the election shall be promptly reported to the Board of Directors verbally and in writing and shall be recorded in the minutes of the next meeting of the board which shall be available for review of the memberships. Within 15 days of the election, the board shall post in the lobby and on the website the results of the election in a communication directed to all the memberships.