

**SEVEN BRIDGES SUBDIVISION - PHASE 1 HOMEOWNERS' ASSOCIATION
ELECTION RULES**

(Adopted by the Board of Directors on _____, 202_)

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, victims of abuse 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.

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FOR
SEVEN BRIDGES SUBDIVISION - PHASE 1 HOMEOWNERS' ASSOCIATION**

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EXHIBIT “A” ELECTIONS CHECKLIST

**SEVEN BRIDGES SUBDIVISION - PHASE 1 HOMEOWNERS' ASSOCIATION
ELECTION RULES**

ARTICLE 1 GENERAL

- 1.1 Intent. These Rules have been adopted with the intent to comply with Civil Code sections 5100 through 5130, as adopted by the California Legislature as part of Senate Bill 323, effective January 1, 2020, and modified by multiple subsequent statutes, and shall apply to Member voting: (i) to elect or remove Members of the Board of Directors; (ii) regarding annual and special assessments; (iii) regarding amendments to the governing documents; (iv) regarding the granting of exclusive use of common area property; and (v) at the discretion of the Board of Directors, regarding any other matter that may be the subject of a vote of Association Members.
- 1.2 Effective Date. These rules shall become effective upon the date of adoption by the Board of Directors.
- 1.3 Definitions. Unless separately defined within these rules, capitalized words have the same meaning as defined within the Declaration of Conditions, Covenants, and Restrictions for the Association.
- 1.4 General Notice. Civil Code section 5115 requires the Association to provide general notice of election matters. For the purposes of these rules, “General Notice” shall mean notice provided by:(i) individual notice pursuant to Civil Code section 4040; (ii) inclusion with newsletters, billing statements, or other routine correspondence; (iii) posting in a prominent location, presuming such location has been previously disclosed as the Association’s annual policy statement.

ARTICLE 2 INSPECTOR OF ELECTIONS

- 2.1 Selection. The Board shall appoint one or three Inspector(s) of Elections who shall perform all of the functions required by Civil Code section 5105 and 5110, including:
- (a) Voting Rolls. Determine the number of Members entitled to vote and the voting power of each;
 - (b) Ballot Custodian. Receive and be the custodian of ballots, and direct the location to which ballots shall be sent until tabulated by the Inspector(s) of Election;
 - (c) Correct Errors. Correct errors or omissions on the candidate registration list (if any) and/or voting list within two business days of the errors or omissions being reported, with receipt of satisfactory documentary evidence;
 - (d) Review Challenges. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
 - (e) Vote Tally. Count and tabulate all votes;
 - (f) Proxy Evaluation. Determine the authenticity, validity, and effect of proxies, if any;
 - (g) Poll Deadline. Determine when the polls shall close, with the discretion to extend the deadline for voting as necessary;

- (h) Results. Determine the results of the election and report the results of the election to the Board of Directors.
- 2.2 Eligibility. Eligibility to Serve as an Inspector of Elections:
- (a) All Non-Candidate; Non-Serving Members. Any Association Members who are not Members of or candidates for the Board of Directors nor relatives of Members or candidates for the Board of Directors; and
 - (b) Independent Third-Party. An individual third party who is not currently employed or under contract to the Association for any compensable services other than serving as an Inspector of Elections.
- 2.3 Compensation. The Association may, at the discretion of the Board of Directors, provide reasonable compensation to the Inspector(s) of Elections.
- 2.4 Assistants. The Inspector(s) of Elections may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector(s) deem appropriate, provided that the appointed persons would themselves be eligible to serve as Inspector(s) of Elections.
- 2.5 Member Challenge. If a Member is selected to serve as the Inspector of Election, that appointment may be challenged by any Member by petition to the Board prior to the mailing of ballots. The effect of such a challenge shall be the requirement for the Board to secure a qualified non-Member for the position.
- 2.6 Indemnification. The Association shall indemnify, defend, and hold harmless any Inspector of Elections, and any agents or employees of an Inspector of Elections, and any volunteers assisting an Inspector of Elections regarding any Association election, unless the claim is due to gross negligence or willful misconduct.
- 2.7 Use of Association Legal Counsel. An Election Inspector shall have the right to directly consult with the Association's legal counsel regarding any matter related to an Association election, membership meeting, or vote by the Members.
- 2.8 Role of Managing Agent. To the extent permitted by California Civil Code Sections 5100 through 5145, these Rules are intended to permit the Association's managing agent to perform all of the administrative aspects of an election which are not otherwise expressly required to be performed by the Inspector(s) of Election. Such administrative aspects may include, but are not limited to, the acts of providing General Notice as required by these Rules, the mailing of ballots to the Association's members and the receiving and holding ballots cast by members until tabulation by the Inspector(s) of Election.

ARTICLE 3 OBLIGATIONS OF THE INSPECTOR(S)

3.1 Pre-Election. Prior to the election, the Inspector(s) of Elections shall do the following:

- (a) Eligible Voter List. Review and verify an eligible voter list which identifies each Member eligible to vote, their mailing address, Unit identification, and the voting power of each Member. The list may be created by the Association.
- (b) Eligible Candidate List. Review and verify a list of all eligible candidate for inclusion on the ballot.
- (c) Ballot Inspection. Review and verify the ballot prior to mailing and ensure compliance with ballot contents described in Section 5.7, below.

3.2 During Voting Period.

- (a) Receive Ballots. Inspector(s) of Elections shall monitor the receipt of submitted ballots in a manner that ensures they are not tampered with following their receipt. Inspector(s) may direct administrative staff to maintain a log of all received ballots noting whether the envelope was signed or not. An Inspector may contact Members and seek their signatures upon the envelope if missing.
- (b) Effect of Receipt. Regardless of signature, a ballot is irrevocable once received by the Inspector(s) of Elections.
- (c) No Proxy Votes. The use of proxy voting is prohibited by the Bylaws.

3.3 Examination of the Ballots. At the appointed time, the Inspector(s) of Elections shall:

- (a) Open Meeting. The tabulation of the vote shall occur at a properly noticed open meeting.
- (b) Quorum. If a quorum is necessary for the matter being voted upon, each received ballot shall be treated as a member present at the meeting.
- (c) Proxies. The Inspector(s) of Elections shall evaluate the proxy forms prior to issuance of a ballot to a proxy holder.
- (d) Signature Verification. The Inspector of Elections, or their designees, may verify the signatures upon the outer envelope prior to the time of tabulation. At the time of tabulating the vote, the Inspector of Election may announce and permit a member to sign, any envelope they failed to sign at time of mailing.
- (e) Witnesses. Any Member may witness the counting and tabulation of the ballot, however, no Member may communicate with an Inspector of Elections during the process and must remain at least five (5) feet away from the ballots. The Inspector of Elections shall have the power to remove any observer who interferes with the tabulation process.
- (f) Announcement of Results. The Inspector of Elections shall announce to all present the results of the election and deliver that information to the Board Members present at the open meeting for recordation in the minutes of the meeting.

- 3.4 Retention Of Materials. The Inspector of Elections shall maintain all documentation, including signed outer envelopes and votes until one year following the tabulation of votes. Unless requested by the Association, the Inspector of Elections may dispose of the materials at that time.
- 3.5 Effect of a Tie.
- (a) Election For A Position. A tie between two or more candidates shall be resolved by the Inspector of Elections, who shall conduct a random drawing or other method of chance as determined by the Inspector of Election to break a tie in the number of votes cast for election of candidates to the Board.
- (b) Election Involving A Rule Change. A tie results in the change not passing.

ARTICLE 4 CANDIDATE NOMINATIONS

- 4.1 Notice Of Nomination Period. At least 90 days prior to the deadline for nomination, the Association shall provide individual notice of the procedure and deadline for nomination as a candidate for the Board. If the Member has provided a preferred method of communication (e.g. Email), the Association shall provide notice by that method. If not, the notice shall be in writing, mailed to their address of record. The notice shall contain all of the following:
- (a) The number of Board seats to be filled at the election;
- (b) The deadline for submitting nominations;
- (c) How nominations may be submitted to the inspector of elections or the Board;
- (d) A statement informing members that “If, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are Board sets to be filled, then the Board of Directors may, after voting to do so, seat the qualified candidates by acclamation without balloting.”
- 4.2 Reminder Notice of Nomination Period. Between 7 and 30 days before the deadline for submitting nominations, a reminder notice shall be sent out to each potential voter utilizing the method described in Section 4.1. The reminder notice shall include all of the items in Section 4.1 and also include a list of the names of all of the qualified candidates currently running for an open board seat. The language noted in Section 4.1, subsection (d) is not required in the reminder notice if the number of candidates already exceeds the number of Board sets up for election.
- 4.3 Procedure For Nomination – Self-Nomination. A Member may nominate themselves as a candidate for the Board or other open position as applicable by notifying the Association’s managing agent or Board in writing. The nominee must declare themselves free of any past criminal conviction that would prevent the Association from maintaining fidelity bond coverage required by Civil Code section 5806.
- 4.4 Procedure For Nomination – By Board. The Board may directly nominate candidates for the Board, subject to the same deadlines and disclosure obligations for self-nominated Members.

- 4.5 Disqualifying Facts. A candidate for election as a Director as well as any current Director shall be disqualified from election to or otherwise serving on the Board for any of the following reasons:
- (a) Membership. A candidate must be a Member of the Association prior to the close of nomination;
 - (b) Current On Assessments. A candidate shall not have unpaid regular or special assessments, to the extent the bylaws require the same of current Board members. A candidate shall be deemed current on their unpaid regular or special assessments if either:
 - (i) Payment Under Protest. Candidate has paid those assessments under protest as provided by Civil Code section 5658; or
 - (ii) Payment Plan. A candidate has entered into, and is in compliance with, a payment plan pursuant to Civil Code section 5665.
 - (c) Criminal Conviction. The candidate may not have a criminal conviction that would prohibit the Association from maintaining insurance coverage required by Civil Code section 5806.
 - (d) Joint Ownership. A candidate must not be a member due to joint ownership of property that would result in both joint owners serving on the Board at the same time.
 - (e) Term Limited. If the Association has adopted term limits as part of its bylaws, a candidate may be disqualified based on those term limits.
- 4.6 Acknowledgment of Candidacy. Within seven (7) days of receiving a submitted nomination, the Association shall acknowledge, either in writing or via electronic communication, to both the nominee and the nominator, either that:
- (a) The nominee is a qualified candidate for the Board; or
 - (b) The nominee is not a qualified candidate for the Board, the basis for the disqualification, and the procedure by which the nominee may appeal the disqualification using the standard dispute resolution procedures within the Declaration or by Board rules.
- 4.7 Uncontested Elections. In compliance with California Civil Code section 5103, the Association may elect by acclamation, without the need for balloting, the candidates for the board if all of the following conditions are met:
- (a) A regular election has been held in the prior three years as determined by calculating backwards three years from the date ballots are to be mailed out in the current election to the last date ballots were cast in the prior secret ballot election for the Board.
 - (b) When seeking nominations, the Board complied with Section 4.1.
 - (c) The Board complied with Section 4.2.

- (d) The Board complied with Section 4.6.
- (e) The acclamation occurs at a public meeting for which the agenda item reflects the name of each qualified candidate to be seated by acclamation if the item is approved.

ARTICLE 5 **BALLOTS**

- 5.1 All Candidates. The Association shall include all candidates for the Board of Directors positions being voted on in the election.
- 5.2 Alphabetical Order. The ballot shall list each candidate by name, in alphabetical order based on last name.
- 5.3 No Write-In Candidates. The ballot shall not permit write-in candidates.
- 5.4 Any Other Matter. The ballot shall contain any other matter that is the subject of a member vote;
- 5.5 Notice of Ballots for Elections of Directors and Recall Elections. At least 30 days prior to the distribution of ballots for the election of or recall of Directors, the Association shall provide General Notice (or Individual Notice if requested) of:
 - (a) The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector or inspectors of election.
 - (b) The date, time, and location of the meeting at which a quorum will be determined, and at which ballots will be counted.
 - (c) The list of all candidates' names that will appear on the ballot.
 - (d) A statement that the Board of Directors may call a subsequent meeting at least twenty (20) days after a scheduled election if the required quorum is not reached, at which time the quorum of the Membership to election will be twenty percent (20%) of the Association's Members voting in person, by proxy, or by secret ballot.
- 5.6 Member Eligibility To Vote. Each Association Member shall be entitled to a single vote with regard to each matter subject to a vote on the ballot. For the purposes of voting, all record owners of a single separate Unit shall collectively constitute one Association Member. A Member shall not be denied a ballot unless they were not a Member at the time the ballots were distributed. A party holding a general power of attorney may exercise the voting rights of the Association Member.
- 5.7 Verification Of Member Information. A Member may verify or correct, through satisfactory documentation, any individual information on the Association's voting list by presenting such documentation to the Inspector(s) of Elections.
- 5.8 Ballot Contents. The ballot shall include:
 - (a) Two Sealable Envelopes. One envelope shall have no markings to identify the voter and shall be identified as the voting envelope. One envelope shall be marked as the mailing envelope and shall be pre-addressed to the address chosen by the

Inspector(s) of Election. The mailing envelope shall identify the Member, address, and Unit number. It shall include a space for the Member to sign their ballot.

- (b) Instructions. Information to aid the Member in properly submitting their secret ballot pursuant to the double-envelope ballot procedure.
- (c) Voting Quorum, Deadline, And Meeting.
 - (i) General Election Requirements. Notice of the initial date and time the ballot must be received as well as notice for the date and time of the meeting at which the ballots will be opened and tabulated, provided a quorum is established by the receipt of cast ballots. The notice shall also include the quorum requirements and a statement that the balloting period may be extended if sufficient ballots have not been received to establish a quorum.
 - (ii) Additional Election Requirements for Director Elections. For an election of Directors, the quorum established in the Bylaws is twenty-five percent (25) of the Members. In the absence of a quorum of the Members for an election of Directors, the Board may adjourn the proceeding to a date at least twenty days after the adjourned meeting, at which time the quorum of the Members necessary to elect Directors shall be twenty percent (20%) of the Members. Not less than fifteen (15) days prior to the aforementioned adjourned meeting, the Association shall provide General Notice (and Individual Notice if requested) of the adjourned Membership meeting, which notice shall include:
 - (a) The date, time, and location of the meeting.
 - (b) The list of all candidates.
 - (c) A statement that 20% of the Association present or voting by proxy or secret ballot will satisfy the quorum requirements for the election of Directors and the ballots will be counted if a quorum is reached.
- (d) Voting Rules. Either a copy of these voting rules or posting to an internet website with notice to the Member, in at least 12 point font, stating:

“The rules governing this election may be found here: _____”

ARTICLE 6 CANDIDATE ACCESS TO ASSOCIATION MEMBERS

- 6.1 Advocacy Blackout. No candidate, Association Member, or the Association and its Board, shall be allowed to access any form of Association media, including but not limited to newsletters, bulletin boards, websites, or social media pages to advocate for a point of view between the time the ballots are mailed and the polls close. Association media shall not include direct mail, personal delivery, or individual emails.
- 6.2 Not Advocacy. The following items shall not be deemed advocacy:
 - (a) Get Out The Vote. Efforts to promote and encourage members to cast their votes, “Get Out The Vote”.

- (b) Descriptions Of The Election Purpose. If a rule change is being proposed, a description of the purpose and effect of the rule change may be provided, however, the description may not advocate for passage of the change.
 - (c) Annotated Text Of The Measure. A factual summary of the changes to the governing documents accompanying the text of the proposed amendments shall be permitted, however, the description must not advocate for passage of the amendment.
- 6.3 Equal Access. Prior to the blackout period described in Section 6.1, above, each candidate or Association Member advocating a point of view shall be granted equal access to Association communication materials (websites, newsletters, social media pages, etc.) to the extent the Association permits advocacy materials to be posted by any party. If the Board permits advocacy materials for an election, the following candidate and member advocacy statement requirements shall be included with the notice provided pursuant to Section 4.1 (for Director elections) or 5.4 (for all other elections) to ensure all parties have equal access:
- (a) Advocacy Statements. If the Board permits advocacy statements, candidates and Members advocating a point of view may, but are not required to, submit an advocacy statement which (1) when printed, shall not exceed one side of a single 8½" x 11" page and (2) shall be reasonably related to the election. Each Member's advocacy statement must either be mailed, hand delivered or e-mailed to the Association at the address(es) designated by the Board of Directors for that purpose, and must be received by the Association at such address(es) prior to the nomination or election deadlines established pursuant to Section 4.1 or 5.4, above. It is each Member's responsibility to confirm that such Member's advocacy statement was received by the Association prior to the Nomination Deadline.
 - (b) Responsibility for Advocacy Statement's Contents. By submitting an advocacy statement, the Member accepts full responsibility for the content thereof and agrees to indemnify the Association, the Board of Directors, the Inspector(s) of Election, and all other Association agents and representatives for any and all damage arising from or related to any such content. The Association shall not edit or redact any content from an advocacy statement, but the Association may include a statement specifying that the Member, and not the Association, is responsible for the content of the advocacy statement and that the Association is required by law to publish the Member's advocacy statement verbatim, regardless of content.
- 6.4 Association Funds Prohibited. The Association may not expend Association funds towards advocacy efforts. The Association may expend funds on Get Out The Vote efforts.
- 6.5 Section 5105(a)(1) Compliance. The above sections specify the manner in which the Association shall comply with Civil Code section 5105(a)(1).

ARTICLE 7 ADDITIONAL PROCEDURES

- 7.1 Notification of Members. The Board shall cause notice of the results of the election be transmitted to all members within 15 days of the meeting.
- 7.2 Recount; Challenge. In the event of a recount or challenge to the determination, the Inspector of Elections, upon a written request, shall make available the election materials to the

Member challenging the election or their representative. The mailing envelopes may be inspected but may not be copied. The Association shall be entitled to redact anyone's mailing address of any Member who has opted out of the Membership List and voter list. Any recount shall be conducted in a manner to retain the confidentiality of the vote.

Exhibit "A"
Elections Checklist

The dates shown below are the minimum necessary dates. The Association can choose to extend the time for each, but doing so may require earlier compliance with a deadline.

150 Days or more Before Election Day: On or before 150 days before board of directors elections, and at least 90 days before the close of nominations, the Association shall do the following:

- The Board shall determine the date upon which the election will be held at a public meeting.
- Members shall be notified by individual notice of the following information by the Member's preferred communication method (email or in writing, if no preferred method has been designated, in writing):
 - The date of the election;
 - The number of Board seats to be filled at the election;
 - The deadline for submitting nominations;
 - How nominations may be submitted to the inspector of elections or the Board;
 - A statement informing members that "If, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are Board seats to be filled, then the Board of Directors may, after voting to do so, seat the qualified candidates by acclamation without balloting."

90 Days Before Election Day: This is the date by which the Association must notify Members of any deadlines for submitting a nomination for an open position.

Tasks:

- Choose an Inspector of Elections. The Board shall select an Inspector of Elections. If election is solely for rule changes, this may occur at Election Day -60.
- The Board shall determine the date upon which the election will be held at a public meeting.
- Members must be notified by General Notice of the election date and procedures to self-nominate for open positions.
- The Board shall decide whether to permit candidate and member advocacy statements and all applicable requirements if statements are permitted.
- The Board may appoint a nominating committee as well.

60 Days Before Election Day: This is the date Members shall be given General Notice about the election. If election does not involve candidates, this may serve as the first election-related deadline.

Tasks:

- Verify Candidate List.
- Verify Members eligible to vote along with associated information.

- Verify Date, Time, and Location for tabulation meeting.
- Verify Date, Time, and Location for returning ballots.
- For Director Elections, Provide Reduced Quorum Information.
- Ensure Association provides this information to its Members.

30 Days Before Election Day: This is the day the ballots must be sent to the Members.

Tasks:

- Verify the Ballot Packet
- Enclose Election Rules Or Provide Website Notice
- Provide Voting Instructions
- Date, Time, & Address For Mailed Return
- Date, Time, & Location for Vote Tabulation meeting.
- Voting Envelope – Identified as where to place the ballot
- Mailing Envelope – Identified as such including spaces for:
 - Identification of voter
 - Place for signature
 - Mailing address of Inspector of Elections
- Ensure Ballots are mailed out at least 30 days before the deadline for returning the ballots.

Election Day: This is the day the ballots will be retrieved, opened, and tabulated.

Tasks:

- Gather mailing envelopes.
- If an envelope is missing a signature, you may announce the Member's name to allow them to sign the ballot. Because the ballot was irrevocable once received, the Member cannot substitute an in person vote for the mailed ballot. If not signed, the ballot may be rejected and remain unopened.
- Identify whether sufficient ballots have been received to allow the election to continue (rule changes, not elections for positions).
- Open each outer envelope and place the voting envelope in a separate pile.
- Mix the inner envelopes to ensure the secret ballot remains secret.
- Open each inner envelope and tabulate the result.

- Announce the final result before all assembled.
- Provide a written statement of the vote to the Board members present.
- The results should be recorded in the minutes of the meeting.

Within 15 Days Of Election Day: The Board of Directors shall communicate the result of the election to all members within 15 days.