

GR.1.5 Election Rules

These Election Rules apply to all Member votes undertaken by Canyon Lake Property Owners Association (“Association”). These Election Rules shall be effective on the date of adoption, shall supersede any other rules of the Association affecting voting or elections, and shall remain in effect until modified by the Board of Directors (the “Board”).

GR.1.5a - Member Voting Rights

GR.1.5a.1 - Notwithstanding anything to the contrary in the Association’s governing documents, all Prime Members, (called simply “Members” in the Bylaws) shall be entitled to vote. “Associate Members” are not entitled to vote per Article III, Section 3 of the Bylaws. Any reference to “Member” voting herein shall be construed as a reference to the Prime Member, not an Associate Member. No Prime Member shall be denied a ballot for any reason other than not being a Member. Prime Members have one vote per Lot owned.

GR.1.5a.1.1 - Entity Owners - In the case of a Member that is not a natural person (such as a trust, corporation or other entity), the vote of such Member may be cast by any authorized representative of the Member designated by written notice to the Association.

GR.1.5a.1.2 - General Power of Attorney - A person with general power of attorney for a Member, who has provided satisfactory evidence thereof, shall not be denied a ballot and said ballot shall be counted if returned by the deadline for voting.

GR.1.5a.2 - Voter List - The Association shall maintain a “Voter List” which shall include for each separate interest: the Member’s name; voting power; and, unless the Member has “opted out” of the public distribution of their address, the physical address of the Member’s separate interest, or the parcel number, or both, and the mailing address of the Member if it is different than the physical address of the separate interest (or if the parcel number is used). Upon request, the Association shall permit Members to verify the accuracy of their individual information on the Voter List at least 30 days before the ballots are mailed. The Member shall report any errors to the Inspector who shall make the correction within two business days. The Association may, at its discretion, report any known errors to the Inspector. The Voter List shall be retained as “association election materials” as required by law.

GR.1.5a.3 - Cumulative Voting Not Permitted - Cumulative voting is not permitted in the election of directors.

GR.1.5a.4 - Proxy Voting Not Permitted - Use of proxies in connection with membership votes or membership meetings is not authorized by the By Laws. “Proxy” shall mean a written authorization signed by a Member or a Member’s attorney-in-fact giving another person or persons power to vote for such Member, as defined in Corporations Code section 5069.

GR.1.5b - Membership Meeting and Voting Procedure - The Association will hold an Annual Meeting of the Members to elect Directors and to conduct Association business. The Annual Meeting is generally held in May.

GR.1.5b.1 - The Board of Directors consists of 5 Directors. Directors are elected for 4 year terms. The terms are staggered. Directors must be elected by secret ballot and cannot be elected by voice vote or show of hands at the Annual Meeting.

GR.1.5b.2 - Secret Ballots - The Association will allow for voting by both written secret ballot and by electronic secret ballot, as set forth herein. However *electronic* secret ballots are not

allowed, per law, for regular or special assessment votes. The secret ballot process will be used for all of the following:

- i. Election and removal of the Association's Board of Directors.
- ii. Vote of the membership regarding assessments that legally require a vote of the membership for approval. (Written secret ballot only.)
- iii. Amendments to the governing documents that require membership approval.
- iv. Prior to granting exclusive use of common area property, where required by Civil Code Section 4600.
- v. Any other matters where a secret ballot is required by law.

GR.1.5b.3 - Voting Procedure

GR 1.5b.3.1 - 30-Day Pre-Notice of Director or Recall Election Information. At least 30 days before the ballots are distributed for elections of directors or to recall directors (but not required for membership votes on other matters), the Association shall provide general notice per *Civil Code* section 4045 (and individual notice per *Civil Code* section 4040 to those requesting members) of all of the following: (i) the date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector; (ii) 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; (iii) the date, time, and location of the meeting at which quorum will be determined, and at which ballots will be counted; (iv) a statement that the Association may call a reconvened meeting to be held at least 48 hours after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be twenty five percent (25%) of the Association's members voting in person, or by secret ballot; If the 25% quorum is not reached the Association may adjourn the meeting to a date at least 20 days after the adjourned meeting, upon at least 15 days' prior notice, at which time the quorum required for purposes of the reconvened meeting to elect directors shall be 20 % of the Association's member voting in person, or by secret ballot; and (v) the "Candidate Registration List," as defined in GR.1.5c.3 below.

GR.1.5b.3.2 - Written Secret Ballot Procedures. To the extent written secret ballots are used to vote (i.e. when Members vote on assessment increases; and voting on other matters where the Member has opted out of using electronic secret ballots), the following rules apply. The Association shall deliver, in person or via first-class mail, the ballots, including instructions on how to vote, and "double envelope system" as described in *Civil Code* section 5115(c). Only Members who will vote by written secret ballot pursuant to this Section shall be mailed or delivered the ballots and envelopes. Ballots shall be distributed a minimum of 30 days prior to the deadline for voting. In an election to approve an amendment of governing documents, the text of the proposed amendment shall be delivered to the Members with the ballot.

- a. The written secret ballot will not identify the voter by name, address, lot, parcel number or unit number.
- b. For election of Directors the written secret ballot will contain the names of any candidates known to the Association at the time the ballot is mailed.
- c. The ballot itself is not signed by the voter but is inserted into a sealed, pre-addressed (to the Inspectors) envelope (Envelope #1).

d. The sealed Envelope #1 is then inserted by the voter into a second pre-addressed (to the Inspectors) envelope (Envelope #2) which should then be sealed. In the upper left-hand corner of Envelope #2, the Member shall sign their name, indicate the address or other identifying account/unit/lot number that entitles them to vote. Envelope #2 may be mailed or delivered by hand to the pre-addressed address specified on the envelope.

e. Members owning multiple Lots must submit separate ballot envelopes (#1 and #2) for each Lot.

f. The member may request a receipt for hand delivery of the sealed Envelope #2 to the location selected by the Inspectors. Any member desiring a receipt for mail delivery should send the ballot by certified mail, return receipt requested, to the location selected by the Inspectors.

GR.1.5b.3.3 - Only the Association's ballots in the form which are sent out to the membership by the Association or are provided by the Association at the membership meeting will be accepted by the Inspectors

GR.1.5b.4 - Electronic Secret Ballot Procedures. When a vote of the Members is conducted using electronic secret ballots, the ballots shall be distributed a minimum of thirty 30 days prior to the deadline for voting, and the following shall apply:

GR1.5b.4.1 - General Requirements.

- (a) **Definition of Electronic Secret Ballot.** "Electronic secret ballot," as used in these Election Rules, 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 sections 5100 through 5145, inclusive.
- (b) **Voting List.** The Association shall maintain a separate voting list identifying which Members will vote by electronic secret ballot and which Members will vote by written secret ballot.
- (c) **Valid Email Address Required; Otherwise, Vote by Written Secret Ballot.** Members who vote by electronic secret ballot shall be required to provide a valid 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 distributed, the Association shall send the Member a written secret ballot.
- (d) **Inspector of Election.** The Association must utilize an Inspector capable of fulfilling the electronic secret ballot vote requirements as set forth in these Election Rules.
- (e) **Cannot Be Used for Assessment Votes.** Electronic secret ballots cannot be used for a membership vote to approve an increase in the regular/annual assessment or a special assessment as described in **GR.1.5b.2.ii**. Such votes must be conducted by written secret ballot as set forth in **GR.1.5b.3.2**

GR1.5b.4.2 Inspector of Election Requirements. When conducting an election by electronic secret ballot, the Association must select an Inspector which shall ensure compliance with all of the following:

- (a) Each Member voting by electronic secret ballot shall be provided with all of the following:
- (1) A method to authenticate the Member's identity to the internet-based voting system.
 - (2) A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.
 - (3) A method to confirm, at least 30 days before the voting deadline, that the Member's electronic device can successfully communicate with the internet-based voting system.
- (b) Any internet-based voting system that is utilized shall have the ability to accomplish all of the following:
- (1) Authenticate the Member's identity.
 - (2) Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.
 - (3) Transmit a receipt from the internet-based voting system to each Member who casts an electronic secret ballot.
 - (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.
 - (5) Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

GR1.5b.4.3 - Electronic Secret Ballot Requirements.

- (a) **Delivery of Electronic Secret Ballot.** The Association shall deliver individual notice (per Civil Code section 4040) of the electronic secret ballot to each Member 30 days before the election. The individual notice shall contain instructions on both of the following:

- (1) How to obtain access to that internet-based voting system; and
- (2) How to vote by electronic secret ballot.

Delivery of this individual notice may be accomplished by electronic submission to an address, location, or system designated by the Member.

- (b) **Other Electronic Notice.** The electronic secret ballot may be accompanied by or contained in an electronic individual notice in accordance with Civil Code section 4040(a), paragraph (2).

- (c) **Ballot List.** The electronic secret ballot must contain the same list of items being voted on as the written secret ballot, and vice versa.

- (d) **Amendment of Governing Documents.** The text of a proposed governing document amendment may be delivered, by electronic means, to those Members who vote by electronic secret ballot. The Association shall also deliver a written copy of the text of the proposed amendment to those members upon request and without

charge. If voting by written secret ballot, the Association shall deliver a written copy of the text of the proposed amendment to the Member with the ballot as set forth in **GR.1.5b.3.2**, above.

GR1.5b.4.4 - Voting by Electronic Secret Ballot.

- (a) **When Electronic Vote is Effective.** A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by the Inspector.
- (b) **Electronic Vote May Not be Revoked.** A vote made by electronic secret ballot (or by written secret ballot) shall not be revoked.
- (c) **Electronic Secret Ballots and Quorum.** For purposes of determining a quorum, a Member voting electronically pursuant to GR.1.5b.4 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 those specifically identified in the electronic vote.

GR 1.5b.5.1 - Electronic Voting – Default Voting Method is Electronic Voting – Members Permitted to Opt Out.

- (a) Per Civil Code section 5105(i)(1)(C)(i), the default voting method for the Association’s voting (except as set forth in **GR.1.5b.2.ii**, above) shall be electronic secret ballot voting. Members shall be permitted to “Opt Out” of voting by electronic secret ballot to vote by written secret ballot, requiring the Association to mail a written secret ballot only to a Member who has opted out of voting by electronic secret ballot or for whom the Association does not have a valid email address required to vote by electronic secret ballot.
- (b) The Association’s annual policy statement (per Civil Code section 5310) must include information on the procedures to opt out of voting by electronic secret ballot.
- (c) At least 30 days prior to the deadline to change the preferred method of voting (see Section GR1.5b5.2 (“Changes in Preferred Method of Voting”), the Association shall provide the Members individual notice (per Civil Code section 4040) of all of the following:
 - (1) The Member’s current voting method;
 - (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.

- (3) An explanation that the Member is required to opt out of voting by electronic secret ballot if the Member elects to vote by written secret ballot.
- (4) An explanation of how a Member may opt out of voting by electronic secret ballot, and
- (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.

GR1.5b.5.2 - Changes in Preferred Method of Voting. Each Member shall be permitted to change their preferred method of voting from electronic secret ballot to written secret ballot, or written secret ballot to electronic secret ballot, up to 90 days before an election. A request to opt out of voting by electronic secret ballot shall be delivered in writing to the Association, either to the person designated in the Association's annual policy statement, or if no person so designated, to the Board President or Secretary. This written delivery may be by email, facsimile, or other electronic means provided by the Association; by personal delivery if assented to by the Association (with written receipt); or by first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier.

GR.1.5b.6 - Effect of Submitting a Ballot

GR.1.5b.6.1 - Once a member mails or delivers his / her written or electronic ballot that ballot cannot be changed or revoked.

GR.1.5b.6.2 - Only 1 ballot may be submitted for each Lot. Once a Member submits a ballot with regard to a Lot, no other ballot may be submitted for that property. Should more than 1 ballot be received for any Lot, the first ballot received will be the one counted. If it cannot be determined which ballot was the earliest received, no ballot will be counted for that Lot except 1 ballot for quorum purposes only.

GR.1.5b.7 – Registration of Written Secret Ballots at the Meeting

GR.1.5b.7.1 - The Association will have the membership registration list at the meeting.

GR.1.5b.7.2 - Management will not register any of the ballots received by the Association. Registration will be performed by the Inspectors.

GR.1.5b.7.3 - All written ballots must be sealed in the 2 sealed, pre-addressed envelopes and Envelope #2 must contain all required information on the upper left-hand corner.

GR.1.5b.7.4 - If a Member brings written ballots from other Members to the membership meeting, the ballots must be sealed in separate individual Envelopes #1 and #2 as required above. The Inspectors will register and make all necessary determinations regarding those sealed ballot envelopes.

GR.1.5b.7.5 - The Inspectors will review the information provided on the upper left-hand corner of Envelope #2 and will determine whether the failure to include any information should result in the Ballot being counted for quorum purposes only, or not counted for any purpose. The Inspectors will require, at a minimum, the following as indicated in subsequent paragraphs:

GR.1.5b.7.5.1 - The name of the Member must be legible and must match the name of the record Owner of the property as shown on the Association's membership list.

GR.1.5b.7.5.2 - The Member's signature must be on the Envelope #2

GR.1.5b.7.5.3 - The address/Lot identifier shown on Envelope #2 must correspond to the Member's address/Lot on the Association's membership list.

GR.1.5b. 8 – Registration of Members in Person

GR.1.5b.8.1 - Members wishing to vote in person at the membership meeting must present themselves at the registration table.

GR.1.5b.8.2 - A member may not revoke any previously mailed or delivered ballot; if the Inspectors confirm that a ballot was received by the Inspectors the Member may attend the meeting but will not be given a new ballot to vote at the meeting. If the Inspectors confirm that a ballot was not received, the Member will be given a ballot and 2 envelopes to mark, seal and complete and cast in secret at the meeting.

GR.1.5b.8.3 - Member voting in person at the meeting must still use the Association provided written ballot, including Envelopes #1 and #2; and Envelope #2 must be filled out, sealed and signed. Failure to use the 2 envelope system at the meeting may lead to invalidation of the ballot cast at the meeting and shall prevent the ballot from being counted at any adjourned date if the meeting is adjourned for lack of quorum.

GR.1.5b.9 - Determination of Quorum

GR.1.5b.9.1 - The Inspectors will determine based upon the count of the number of Members voting through written ballot and or electronic ballot, (as appropriate) as shown on the registration list, that quorum has been obtained.

GR.1.5b.9.2 - Upon determination that a quorum has been obtained, the Inspectors may close registration at the polls.

GR.1.5b.10 - Adjourned for Lack of Quorum/Recessed Meeting

GR.1.5b.10.1 - If any membership meeting is adjourned to another date due to lack of quorum, any electronic ballots, and or written ballots (in properly completed, sealed Envelopes #1 and #2) already received by the Inspectors will be valid for adjourned meetings.

GR.1.5b.10.2 - The ballots will be counted during a properly noticed open meeting of the Board or during a membership meeting. The Inspectors may request that any meeting be recessed to allow the Inspectors to continue the counting and tabulation of the ballots at another time. Notice of the recessed meeting will be given as required by law. The Inspectors will continue to maintain custody of all ballots until counting and tabulation is complete.

GR.1.5b.11 - Tabulation, Observation/Custody of Ballots, Etc.

GR.1.5b.11.1 - No person, including any Member of the Association, any employee or manager, may open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.

GR.1.5b.11.2 - The Inspector shall open all ballots and tabulate the votes at a properly noticed open meeting of the Members in a manner that allows the Members to view the opening and tabulation. The Inspector may appoint additional persons to assist in the opening of ballots and tabulation of votes. Observers must remain at least 5 feet from the area of opening and tabulation and not communicate, harass, or otherwise interfere with the Inspector and/or those assisting the Inspector in any manner whatsoever. The Inspector and or the Board shall have the power and authority to cause the removal of any person who interferes with or disrupts the voting, opening or tabulating process. The Inspector may suspend the opening and tabulation process if anyone causes interference with or disrupts the process. A person including a Member of the Association or an employee of the Association, shall not open or otherwise review any ballot or any tally sheet of votes cast by

electronic secret ballot before the time and place at which the ballots are counted and tabulated.

GR.1.5b.11.3 - Tie Voting: For Elections of Directors, in the event of a tie vote among any candidates, those candidates involved in the tie, should they so choose, can have the tie determined by a coin toss implemented by the Inspector. If the candidates involved in the tie vote do not agree to a coin toss, the Association will notice a special membership meeting and send out ballots to all Members for 1 vote to break the tie. Said vote shall be conducted in accordance with the procedures herein to the extent they are applicable to run-off votes. No previously counted ballots will be used at the meeting to break the tie.

GR.1.5b.11.4 - Reporting Election Results. The tabulated results of the election shall be promptly reported to the Board and shall be recorded in the minutes if reported at a meeting of the Board or recorded in the minutes of the next meeting of the Board if reported at a Member meeting. Within 15 days of the election, the Board shall give the Members general notice of the tabulated results of the election.

GR.1.5b.11.5 - Retention of Association Election Materials. "Association Election Materials" shall mean the returned ballots, signed voter envelopes, the Voter List, and the Candidate Registration List and tally sheet of votes cast by electronic ballot. The Association Election Materials shall at all times be in the custody of the Inspector or at a location designated by the Inspector for a period of 1 year after the Inspector notifies the Board and Members of the election results, at which time custody shall be transferred to the Association. The Association shall retain the Association Election Materials for the current fiscal year and prior 2 fiscal years. At the expiration of the retention period all Association Election Materials may be destroyed.

GR.1.5c - Candidates for the Board and Nomination Procedures

GR.1.5c.1 - Candidates for the Board must be Members at the time of their nomination and (i) must meet any other qualifications or restrictions set forth in these Election Rules and (ii) must meet any other qualifications or restrictions set forth in the Bylaws so long as they do not conflict with these Election Rules and California Civil Code section 5105. In the case of a Member that is not a natural person (such as a corporation or other entity), the entity Member shall have the power to appoint a natural person as the "Member" for purposes of director elections. The Association shall disqualify a nominee for the Board for any of the following reasons:

GR.1.5c.1.1 - The nominee is not a Prime or Associate Member.

GR.1.5c.1.2 - If the nominee, if elected, would be serving on the Board at the same time as another owner of the same separate interest and the other person is either properly nominated for the current election or is an incumbent director.

GR.1.5c.1.3 - If the nominee, at the time of nomination, is delinquent in the payment of regular and/or special assessments. A nominee shall not be considered "delinquent" if the delinquency relates to the payment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party and/or if the nominee: (a) has paid their regular or special assessments under protest; or (b) has entered into a payment plan for repayment of the delinquent assessments and is not delinquent in payments due under the plan; or (c) the nominee has requested and has not been provided an opportunity to engage in internal dispute resolution.

GR.1.5c.1.4 - If the nominee has been a member of the Association for less than one year.

GR.1.5c.1.5 - If the nominee is less than 18 years old.

GR.1.5c.1.6 - If the nominee discloses, or if the Association is aware or becomes aware of, a past criminal conviction that would, if the Member was elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code section 5806 or terminate the Association's existing fidelity bond coverage.

GR1.5.c1.7 - If the nominee has served the maximum number of terms or sequential terms allowed by the Association's governing documents.

GR.1.5c.2 - Nominations

GR.1.5c.2.1 - Solicitation of Candidates. At least 30 days before the deadline for submitting a nomination, the Association shall provide general notice of the procedure and deadline for submitting a nomination for the Board. Any Member who satisfies the qualifications and is not otherwise prohibited from running for the Board may place their name in nomination for the Board by submitting the nomination before the published deadline for receiving nominations. In addition, the Board may recruit qualified candidates and/or may appoint a nominating committee to nominate qualified candidates. Notwithstanding the foregoing, if Election by Acclamation is used, the Association must follow the procedures in Section **GR1.5d** ("Election by Acclamation"), below.

GR.1.5c.2.1.1 - No Nominations from the Floor / No Write-In Candidates - Nominations from the floor of the Membership Meeting are not permitted, pursuant to Civil Code section 5105(i)(1)(F); similarly, write-in nominations are also prohibited.

GR.1.5c.2.1.2 - The candidacy form may include the opportunity for each candidate to submit a one page (8 ½" x 11") written statement with a 2" x 3" picture in the upper left-hand corner. Candidate statements received on a timely basis will be included with the Association's publication of candidate information, including without limitation being posted on the common area bulletin boards and on the Association's web site. The Association will not edit or redact these statements but may include a statement specifying that the candidate is responsible for that content.

GR.1.5c.3 - Candidate Registration List - The "Candidate Registration List" shall mean the list of candidates who will appear on the ballot. Upon request, the Association shall permit Members to verify the accuracy of their individual information on the Candidate Registration List at least 30 days before the ballots are mailed. The Member shall report any errors to the Inspector who shall make the correction within 2 business days. The Association may, at its discretion, report any known errors to the Inspector. The Candidate Registration List shall be retained as "Association Election Materials" as required by law.

GR.1.5c.4 - Notice of Known Candidates - The names of all persons on the Candidate Registration List shall be set forth on the ballot.

GR.1.5c.5 - Candidacy Statements - Any candidate who wishes to submit a candidacy statement may only do so using the Association's authorized form. The content of any candidate statement shall be limited to a statement of the candidate's qualifications to serve as a director.

GR.1.5c.6 - Declaration of Vacancy for Delinquency - Any Member serving on the Board shall be current in the payment of regular and special assessments or the delinquent director's seat may be declared vacant by the Board following notice to the director and an opportunity to meet with the Board in executive session to explain why the director should not be disqualified. A director shall not be considered "delinquent" in the payment of assessments if the delinquency relates to the payment of fines, fines renamed as

assessments, collection charges, late charges, or costs levied by a third party and/or if the director: (a) has paid the regular or special assessment under protest; or (b) has entered into a payment plan for repayment of the delinquent assessments and is not delinquent in payments due under the plan; or (c) has requested and has not been provided an opportunity to engage in internal dispute resolution.

GR.1.5c.7 - Declaration of Vacancy for Failure to Comply with Corporate Transparency Act

The Board, by a majority of a quorum, may declare vacant the office of any director who fails to make available any and all information the director and/or the Association is legally obligated to provide to a governmental agency for Association compliance with federal or state law requirements, including, without limitation, the requirements of the Federal Corporate Transparency Act.

GR.1.5c.8 - Notice of Election Information - At least 30 days before the ballots are distributed for elections of directors or to recall directors (but not required for membership votes on other matters), the Association shall provide general notice per Civil Code section 4045 (and individual notice per Civil Code section 4040 to those requesting members) of all of the following: (i) the date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector; (ii) the date and time by which electronic secret ballots, to the extent applicable, 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; (iii) the date, time, and location of the meeting at which quorum will be determined, and at which ballots will be counted; (iv) a statement that the Association may call a reconvened meeting to be held at least 48 hours after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be 25% of the Association's Members voting in person, or by secret ballot and if quorum is not thereafter received the Association may adjourn the meeting to a date at least 20 days after the adjourned meeting, at which time the quorum required for the purposes of the reconvened meeting shall be 20 percent of the Association's Members voting in person, or by secret ballot; and (v) the "Candidate Registration List," as defined in herein.

GR.1.5c.8.1 - Other meetings of the Members may be noticed and held by the Association to vote on matters upon which Members may vote. For Member votes that are to be conducted pursuant to the secret ballot process described herein, the meeting notice sent by the Association will include information on when polls will be open and when the Members may attend a Membership or Board meeting to witness the review, count and tabulation of ballots by the Inspector.

GR.1.5c.8.2 - Other business at the Annual or other membership meeting, such as approval of minutes, motions to adjourn and other parliamentary procedure, may be conducted by a show of hands, voice vote or other method.

GR.1.5c.8.3 - All membership meetings and votes will be conducted in accordance with the Association's governing documents and California Corporations and Civil Codes, as appropriate.

GR.1.5c.8.4 - If allowed by law, any vote (except for a vote on election of Directors) to be conducted pursuant to the secret ballot process described herein may be conducted electronically, and or by mail, only, without holding a membership meeting for voting purposes. A membership meeting must be held for election of Directors. Further, the counting and tabulation of votes may only be performed by Inspector in the open and at a properly noticed open meeting of the Members.

GR1.5d - Election by Acclamation. Notwithstanding the secret balloting requirements in these Election Rules, or anything to the contrary in the Association's Bylaws or CC&Rs, if, as of the published deadline for receiving nominations, the number of qualified candidates for election to the Board is not more than the number of directors to be elected, as determined by the Inspector, then the qualified candidates may be declared elected by acclamation if all of the following conditions have been met:

- i. The Association has held a regular election for directors in the last 3 years. The 3 year time period shall be calculated from the date ballots were due in the last full election to the start of voting for the proposed election.
- ii. The Association provided individual notice (per *Civil Code* section 4040) of the election and the procedure for nominating candidates at least 90 days before the deadline for submitting nominations that includes all of the following:
 1. The number of Board positions to be filled at the election.
 2. The deadline for submitting nominations.
 3. The manner in which nominations can be submitted.
 4. A statement informing Members that if, at the close of the time period for nominations, there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board may, after voting to do so, seat the qualified candidates by acclamation without balloting.
- iii. The Association provided a reminder notice between 7 and 30 days before the deadline for submitting nominations that includes all of the following:
 1. The number of Board positions to be filled at the election.
 2. The deadline for submitting nominations.
 3. The manner in which nominations can be submitted.
 4. A list of the names of all of the qualified candidates to fill the Board positions as of the date of the reminder notice.
 5. A statement reminding members that if, as of the deadline for nominations, there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board may, after voting to do so, seat the qualified candidates by acclamation without balloting. This statement is not required if, at the time the reminder notice will be delivered, the number of qualified candidates already exceeds the number of Board positions to be filled.
- iv. The Association provides, within 7 business days of receiving a nomination, a written or electronic communication acknowledging receipt of the nomination to the Member who submitted the nomination, and if the nominee and the Member who submitted the nomination are not the same person, then a written or electronic communication to the nominee within the same time period indicating the following:
 1. The nominee is a qualified candidate for the Board; or
 2. The nominee is not a qualified candidate for the Board, the basis for the disqualification, and the Association's internal dispute resolution procedure, which shall comply with *Civil Code* section 5900 et al., by which the nominee may appeal the disqualification.

- v. The Association permits all candidates to run for election, except for any nominees disqualified from running as allowed or required pursuant to **GR.1.5c.1**
- vi. The Board votes to consider the qualified candidates elected by acclamation at an open meeting for which the agenda item reflects the name of each qualified candidate that will be seated by acclamation if the item is approved.

GR.1.5e - Inspector(s) of Elections

GR.1.5e.1 - Appointment of Inspector of Elections. Whenever there is a membership vote or election, the Board shall appoint 1 or 3 Inspectors of Elections, (referred to in these Election Rules, individually or collectively, as “Inspector”) whose powers and duties shall be as set forth in Civil Code section 5100 et seq. The Board shall have the power to remove an Inspector who ceases to meet the required qualifications, is unable or unwilling to perform their duties, or for other good reason, and to appoint a new Inspector in their place.

GR.1.5e.2 - Qualification of Inspector of Elections. The Inspector may be any person the Board reasonably believes to be independent with respect to the matter or matters being voted on and may include Members of the Association, but may not be: (i) a member of the Board or a candidate for election to the Board or be related to a current member of the Board or a candidate for election to the Board; or (ii) the Association’s manager, accountant, legal counsel, or any other person, business entity, or subdivision of a business entity that is employed by or under contract with the Association to provide compensable services to it at and/or after commencement of the election process other than serving as Inspector.

GR.1.5e.3 - Payment to Inspector of Elections. The Board may authorize payment of Association funds to any third party appointed to serve as Inspector; however, no payment may be authorized for any Member appointed to serve as the Inspector.

GR.1.5e.4 - Duties of the Inspector of Elections. The Inspector shall be responsible to perform their duties as follows:

GR.1.5e.4.1 - Perform those tasks enumerated in Civil Code section 5110(c), including, but not limited to, those associated with electronic secret ballots as set forth in these Election Rules.

GR.1.5e.4.2 - Perform all duties impartially, in good faith, to the best of the Inspector’s ability, as expeditiously as is practical, and in a manner that protects the interest of all Members of the Association.

GR.1.5e.4.3 - Make any necessary corrections to the Candidate Registration List or the Voter List within two business days of being informed of an error by a Member or by the Association.

GR.1.5e.4.4 - Deliver (or cause to be delivered) the following documents to the members at least 30 days before an election: (a) the ballot(s) by first-class mail and or electronically as specified in GR1.5b.4..3 and (b) a copy of these Election Rules by: (i) individual delivery; or (ii) by posting the internet website address where these Election Rules may be accessed on the ballot together with the phrase in at least 12-point font, “The rules governing this election may be found here: <https://www.canyonlakepoa.com/>

GR.1.5e.4.5 - Retain the Association Election Materials as provided herein, including tally sheet of votes cast by electronic ballot,

GR.1.5e.4.6 - Determine tie votes in accordance with the provisions of these Election Rules.

GR.1.5f - Use of Association Media and Campaigning

GR.1.5f.1 - Access to Association Media – Candidates for the Board - The Board may, but is not required to, make Association media (e.g., newsletter, notice board, website, or other notices provided to the Members) available to qualified candidates running for election to the Board for purposes that are reasonably related to the election in which that candidate is running. If the Board allows any candidate access to Association media, then all qualified candidates shall be allowed equal access to the same media.

GR.1.5f.2 - Access to Association Media – Other Matters - If the Board utilizes Association media to advocate a point of view on any matter (other than election of directors) that requires Member approval or allows any Member access to Association media for that purpose, then all Members advocating a different point of view shall be allowed equal access to the same media. The Board shall not be required to allow access to more than one Member advocating the same point of view.

GR.1.5f.3 - “Equal Access” - “Equal access” shall mean publication of written statements not to exceed a predetermined length as determined by the Board. The Board shall not edit or redact any statement but shall not be required to publish any statement that exceeds the predetermined length restrictions. Modifications to formatting may be made so as to allow for space and/or media restrictions. If any formatting modifications should become necessary, they shall be applied equally to all submissions and at no time shall any formatting be applied that may signify a preference or partiality.

GR.1.5f.4 - Responsibility for Content - All statements published in Association media pursuant to the “equal access” rules must identify the author or proponent. No anonymous statements will be permitted. The author and/or proponent of any statement or point of view shall be solely responsible and liable for the content of their statements. The Association shall not be responsible or liable for the content of any statement published pursuant to the “equal access” rules.

GR.1.5f.5 – Campaigning - No Association funds shall be expended for the purposes of campaigning in connection with any vote or election other than those funds specifically required to distribute required correspondence, notices, or forms that may contain the names of candidates or necessary information on the issues being voted upon, or as is otherwise deemed by the Board to be necessary or appropriate for the fair and reasonable conduct of a vote or election, or to the extent necessary to comply with duties of the Association imposed by law. Specifically excluded is the expenditure of Association funds for the purposes of expressly advocating approval, election, or defeat of any matter or candidate.

GR.1.5g - Use of Common Area and Meeting Space

GR.1.5g.1 - Access to Common Area Meeting Space – Campaigning by Candidates for the Board - The Board shall ensure that during a campaign all qualified candidates for election to the Board are given access to common area meeting space (if any) upon request, at no cost, for purposes reasonably related to their campaigns.

GR.1.5g.2 - Access to Common Area Meeting Space – Other Matters - Whenever the Board places a matter before the Members which requires Member approval, the Board shall ensure that Members advocating a point of view on the matter are given access to common area meeting space (if any) upon request, at no cost, for purposes reasonably related to

advocating their point of view, whether or not they agree with the point of view advocated by the Board on the matter at issue.

GR.1.5g.3 - All Access - Any use of the common area facilities for the purposes described above shall be regulated by any existing rules and regulations for such use. The Board, in its sole discretion, may reasonably limit a candidate's or Member's access to common area facilities in order to facilitate equal access for other candidates and Members, and so as not to unreasonably interfere with other Members' rights to use such facilities.

GR.1.5h - Amendments

The Board may amend these Election Rules from time to time except that these Election Rules may not be amended less than 90 days prior to an election unless that amendment is merely to conform to non-discretionary changes in the law.