

Copper Cove Unit No. 8-A Owners' Association

Election Rules

January 2016

If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, of 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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Copper Cove Unit 8-A Owners' Association
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Copper Cove Unit 8-A Owner's Association
Election Rules
Proposed on January 4, 2016

The Board of Directors adopted these election rules in accordance with California Civil Code §5100 et seq. Notwithstanding any other law or provision of the governing documents, these rules shall apply to all matters set forth in Section 5105 of the California Civil Code.

Section 1. Inspector(s) of Election

A. Appointment and Term

1. Appointment. The Board of Directors shall appoint one or three persons to serve as the Inspector(s) of Elections, who shall serve at the discretion of the Board, and who shall have such powers and duties as the Board shall determine, subject to the limitations imposed by these Election Rules.

B. Qualifications

1. The Inspector(s) of Elections must be an independent third party who is not any of the following:
 - a. Currently a Member of the Board of Directors or a candidate for the Board of Directors; or
 - b. Related to a Member of the Board of Directors or a candidate for the Board of Directors.
2. Within the absolute discretion of the Board, an independent third party may be a person who is currently employed or under contract to the Association for any compensable services.

C. Powers

1. Notwithstanding any provision in the Association's governing documents to the contrary, an Inspector(s) of Elections shall preside over an election or vote dealing with any of the matters set forth in Civil Code 5115, Sections (a), (b), (d), and (e).
2. The Inspector(s) of Elections may meet and discuss election issues amongst themselves and/or with the Association's legal counsel.
3. The decision or act of two or more Inspector(s) of Elections shall be effective in all respects as the decision or act of all.

D. Duties

1. The Inspector(s) of Elections shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical.
2. The Inspector(s) of Elections shall do all of the following:
 - a. Determine the number of Memberships entitled to vote and the voting power of each.
 - b. Determine the authenticity, validity, and effect of proxies, if any.
 - c. Receive ballots.
 - d. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
 - e. Count and tabulate all votes.
 - f. Determine when the polls close.
 - g. Determine the tabulated (tally) results of the election.
 - h. Appoint and oversee additional persons to count and tabulate votes as the Inspector(s) of Elections deems appropriate, if permitted by California law.
 - i. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with this section and all applicable rules of the Association regarding the conduct of the election that are not in conflict with this section.
 - j. Prepare a written report of the activities undertaken in any election.

Section 2. Director Qualifications

- A. All persons nominated for election to the Board of Directors shall be a member in good standing. Good standing means a Member who is not delinquent on any dues, fees, fines or assessments on any lot owned by the Member.
- B. If a lot owner is a corporate entity, it must designate one individual who will serve as the Member and must notify the Association's Board of Directors, in writing, of the name of the individual who has been so designated. Only the individual designated by the corporate entity as the Member may nominate himself or herself for the Board.

Section 3. Nomination Procedures

- A. Members may nominate themselves for candidacy in an election to the Board of Directors by written notification of desire to be a candidate. The written notification may be either mailed, hand delivered, or e-mailed to the Association within a sufficient amount of time before ballots are sent out. Further, members wishing to nominate themselves for candidacy may also do so at the regular Board of Director meeting held in August.

- B. If a person nominated is not qualified to hold an elected position his or her name shall not appear on the ballot and he or she will not be permitted to serve if elected.

Section 4. Media Access

- A. Candidates and Members advocating a point of view may, but are not required to, submit a statement (hereafter, "Director Election Statement or View Point") which shall not exceed one side of a single 8½ X 11 page and which shall be reasonable related to the election, and by submitting a Director Election Statement, the author accepts full responsibility for the content thereof and agrees to indemnify the Association and its 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 these communications, but may include a statement specifying that the candidate or member, and not the association, is responsible for that content.
- B. Black and white copies of the Director Election Statement or View Points submitted during the campaign may, at the discretion of the Board, be either published in the Associations' newsletter, Internet Web site or be distributed with each ballot.

Section 5. Common Area Meeting Space

- A. Access will be provided to the common area meeting space during a campaign, at no cost, to all candidates, including those who are not incumbents, and to all members advocating a point of view, including those not endorsed by the Board, for purposes reasonably related to the election.

Section 6. Voting Qualifications

- A. Members in good standing shall be entitled to one vote for each lot in which they hold the interest required for membership as stated in the Declaration of Additional Restrictions Copper Cove Subdivision at Lake Tulloch Unit No. 8-A, Additional Restrictions, paragraph 5. (a) Membership.
- B. When more than one person holds such interests in any lot all such persons shall be members, and the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such lot.

Section 7. Methods of Voting

- A. Secret Ballot Process. Notwithstanding any other law or provision of the governing documents elections regarding assessments legally requiring a vote, election and removal of directors, amendments to the governing documents, or a grant of exclusive use of common area pursuant to Section 4600 shall be held by secret ballot in accordance with the procedures set forth herein and at Civil Code § 5115.

- B. Proxies shall not be used in voting by Members for any purpose.

Section 8. Voting Period

- A. The Board of Directors shall generally determine the dates upon which polls will open and close. Once appointed to oversee an election, the Inspector(s) of Elections shall determine, in their discretion, the specific days and times when the polls close.
- B. In the Board of Directors sole discretion the voting period may be extended if sufficient ballots have not been received to establish a quorum.

Section 9. Ballot Content and Secret Ballot Method

- A. Voting with regard to the matters addressed in Civil Code Section §5100 et seq. shall be determined by using a double envelope system to ensure the anonymity of the Member casting his or her vote.
- B. **Ballot Content:** Each candidate's name shall be included on the official ballot form, listed in alphabetical order by last name. The ballots shall further state all of the following:
 - 1. The number of directors to be elected;
 - 2. When applicable, in elections to approve an amendment of the governing documents, the text of the proposed amendment shall be delivered to the members with the ballot;
 - 3. The date and time the initial balloting period will close;
 - 4. The quorum requirement; and
 - 5. The statement – “The Board shall have the power to extend the balloting period if sufficient ballots have not been received to establish a quorum.”
- C. **Secret Ballot Method**
 - 1. A ballot and two pre-addressed envelopes with instructions on how to return the ballot shall be mailed by first-class mail or delivered by the Association to every Member not less than 30 days prior to the date that the polls will close. In order to preserve confidentiality, a voter may not be identified by name, address, or the lot that entitles him or her to vote on the ballot.
 - 2. The ballot itself is not to be signed by the Member voting, but is to be inserted into an envelope that is sealed by the Member. This envelope is inserted into a second envelope that is sealed by the Member.
 - 3. The second envelope is addressed to the Inspector(s) of Election. In the upper left-hand corner of the second envelope, the voter prints and signs his or her name, address, and lot that entitles him or her to vote
 - 4. The ballot may be mailed or delivered by hand to a location specified by the Inspector(s) of Election. The Member may request a receipt for delivery.
 - 5. Once a ballot is cast it cannot be revoked.

Section 10. Distribution of Ballot Packets

- A. No later than 30 days, nor more than 60 days, prior to the date scheduled for the close of the balloting period, the Association shall mail one ballot packet to each Member, via first-class U.S. mail. Each ballot packet shall contain all of the following:
 - 1. One official ballot;
 - 2. Black-and-white copies of all Director Election Statements or View Points received by the Association in a timely manner, if not previously provided;
 - 3. A statement specifying that the Association was not permitted to edit or redact any content from the Director Election Statements and thus the author of each Director Election Statement, and not the Association, is responsible for the content of his or her Director Election Statement, if not previously provided;
 - 4. Two sealable envelopes, a smaller (inner) envelope and a larger (outer) envelope;
 - 5. Instructions on how to vote using the two-envelope system; and
 - 6. Notice of the upcoming Annual Membership Meeting.
- B. The smaller envelope shall not request or require the voter to identify himself or herself or his or her Lot Number or property address. The larger envelope shall be pre-addressed to the Inspector of Election at the address specified by the Inspector of Election. The larger envelope shall contain either blank lines in the upper left hand corner for the voter to sign his or her name, indicate his or her name, and indicate the address or separate interest identified that entitles him or her to vote or a pre-printed label that indicates the voter's name and the address or separate interest identifier that entitles him or her to vote and contains at least one blank line for the voter to sign his or her name.

Section 11. Vote Tabulation

- A. The ballots shall not be opened or otherwise reviewed prior to the time and place at which the ballots are counted and tabulated.
- B. All votes shall be counted and tabulated by the Inspector(s) of Election, or the duly authorized persons appointed by the Inspector(s) of Election to count and tabulate the votes if allowed under California law, in public at a properly noticed open meeting of the Board of Directors or Members.

Section 12. Election Report

- A. The Inspector(s) of Election shall promptly report the results of the election to the Board of Directors as specified in Attachment No. 1, attached hereto. The Board of Directors shall record the results of the election in the minutes of the next board meeting and make them available to the Members of the Association for review.
- B. Within 15 days of the election, the Board shall publicize the results of the election in a communication directed to all Members.

ATTACHMENT NO. 1 to Election Rules

Inspector of Elections Report

ANNUAL MEETING -- Saturday,

Total Number of Lots	
Number of delinquent accounts	
Number of Liens	
Bank owned Foreclosures: Pursuant to the CCR's Paragraph 2. Membership is not intended to apply to those persons who hold an interest in any such lot merely as security for the performance of an obligation to pay money, e.g., mortgages, deeds of trust, or real estate contract purchases.	
TOTAL Eligible to Vote	
Quorum Percentage	
Quorum	xx Ballots
Number of Ballots Received	
Number of Ballots Rejected (Outer envelope not signed, Received after closing)	

Election of Directors

Name	Number of Votes	Outcome Elected / Not Elected

Other vote on Ballot

Description	Number of Votes

Signature
Election Inspector

Election Inspector

Election Inspector