

The Estate Series of Seacliff Homeowners Association

The following rules and procedures shall apply in connection with any matter presented to the Members for approval:

General Election Rules

1. The Board of Directors shall determine the date, time and place of the annual meeting of the owners in accordance with the Association's Bylaws.
2. The number of directors who are scheduled to be elected and the terms for each shall be determined in accordance with the association's governing documents and stated in the notice of the meeting.
3. The notice of the meeting along with a secret ballot on which to vote and one set of double envelopes along with instructions for voting shall be mailed to all owners at least 30 days prior to the scheduled election date.
4. The record date for determining members entitled to receive notice of the meeting and entitled to vote may, subject to the requirements of Corporations Code 7611, be set by the board of directors. In the event that no record date is selected, the date of the ballot mailing shall serve as the record date for notice and for voting.
5. All candidates or members advocating a point of view shall have equal access to all association media, newsletters and websites during a campaign for purposes reasonably related to that election.
6. The association will not edit or redact any content from candidate or member communication. The association may include a statement specifying that the candidate or member and not the association is solely responsible for the content of the communication.
7. All candidates and members will have equal access at no cost to any common area meeting space during a campaign for purposes related to the election.
8. Association funds may not be used for campaign purposes in connection with any board election. Funds of the association shall not be used for campaign purposes in connection with any other association election except to the extent necessary to comply with duties of the association imposed by law.
9. Within 15 days of the election, the board of directors shall give general notice pursuant to Civil Code Section 4045 of the tabulated results of the election.

Candidate Qualifications

1. Candidates must be resident owners of a lot in Estate Series (Article IV, Section 4.01 of the Bylaws).

Nomination of Candidates

1. The Association may mail to each owner a Candidate Nomination Form which can include a deadline for receipt by the association.
2. Candidates who meet the qualifications and whose nomination forms or e-mail with intent to run and candidate statement are sent to the management company are received prior to the deadline will have their name printed on the secret ballot and their statements retyped verbatim and distributed to the membership.
3. Candidate names will be listed in alphabetic order on the ballot with incumbents noted accordingly.
4. Candidates can be nominated from the floor at the election meeting by another member or by self-nomination. Any candidate nominated from the floor at the meeting must be present to accept the nomination, or submit an acknowledgement of nomination in writing prior to the meeting.

Voting

1. All members in good standing who have not had their voting privileges suspended at a duly held hearing are entitled to vote.
2. There is one class of voting: Class A Members (homeowners). Cumulative voting shall be used in the election of directors for any election in which **more than** two (2) directors are to be elected.
3. Members entitled to vote may do so by secret ballot or may designate another member as a proxy holder to vote for them by secret ballot at the election.
4. Secret ballots cast by mail shall be irrevocable.
5. The polls for any vote of the membership shall be open from the date the Secret Ballot is mailed and shall close when the Inspector(s) of Election determine that the ballots shall be counted, unless the Inspector determines another time for the polls to close.

Inspectors of Election

1. The board of directors shall appoint one (1) or three (3) Inspector(s) of Election to serve at any regular or special meeting of the members.
2. The Inspector(s) may be a member of the Association provided such member is not a member of the Board of Directors or a candidate for the Board Directors or related to a member of the Board of Directors or a candidate for the Board of Directors.

3. Inspector(s) shall be independent third parties which can also include, but is not limited to, a volunteer poll worker with the county of registrar of voters, a licensed CPA, a notary public, a Member of the Association, or any person or entity receiving compensation from the Association
4. If there are three Inspectors of Election, the decision or act of a majority shall be effective in all respects as the decision or act of all.
5. The Inspector(s) will determine the number of memberships entitled to vote and the voting power of each in accordance with the association's by-laws.
6. The Inspector(s) will determine the authenticity, validity and effect of proxies, if any.
7. The Inspector(s) may appoint persons to assist with the process of opening envelopes, tabulating votes, and/or completing forms related to the election.
8. Unless the Inspector(s) designate a different location to receive ballots, the location to receive ballots will be the association's managing agent's business office address.
9. The Inspector(s) shall hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
10. The Inspector(s) shall count and tabulate all votes at a duly noticed board or member meeting in an open setting allowing members and candidates to witness the counting and tabulation of the votes.
11. Anyone who is not an Inspector of Election, or appointed to assist the Inspector(s) of election, must remain at least five feet away from the counting area. No person may interfere with, harass or otherwise communicate with the Inspector(s) of Elections while the count is taking place. Members or persons not specifically authorized to do so may not touch any secret ballot or other election materials.
13. The Inspector(s) can cause the removal of any observer who causes interference with or disrupts the counting or tabulation process.
14. The Inspector(s) shall determine when the polls will open and close.
15. The Inspector(s) shall determine and announce the results of the election and shall report the results of the election promptly to the Board of Directors. The results shall be recorded in the next regular session board meeting minutes in addition to the annual meeting minutes.
16. An Inspector of election shall perform his or her duties impartially, in good faith, to the best of his or her ability and as expeditiously as is practical.
17. The Inspector(s) shall perform any acts as may be proper to conduct the election with fairness to all members in accordance with the law and all applicable rules of the association including these election rules.

18. The board of directors may remove and replace any Inspector of Election prior to the tabulation of votes if an Inspector of Election resigns, has a scheduling conflict, or if the Board reasonably determines that an Inspector of Election will not be able to perform his or her duties impartially and in good faith.

Ballots and Tabulation

1. Once a ballot is received by the Association it is deemed irrevocable.
2. Ballots shall ensure the confidentiality of the voter and shall not identify the voter by name, address, lot, parcel or unit number and may not require a signature.
3. The ballot shall be distributed in accordance with the prevailing laws in the Davis-Stirling Common Interest Development Act ("The Act").
4. Owners may return their secret ballot by mail, hand deliver it to the meeting, or complete the ballot at the meeting.
5. Only those ballots delivered to the Inspector(s) of Election prior to the polls closing shall be counted. All ballots must be received in accordance with the prevailing laws in The Act.
6. If a member loses his or her ballot, a new one can be obtained from the Inspector(s) of Election or management representative, however, if a ballot is already on file from that unit, then no new ballot will be given.
7. A member who signs or otherwise marks his or ballot with an identifying mark, waives his or her rights to secrecy.
8. The sealed ballots shall at all times be in the custody of the Inspector(s) of Election or at a location designated by the Inspector(s).
9. After the counting of the ballots and the certification of the election results by the Inspector(s), the ballots shall be transferred to the Association.
10. No person, including a member of the Association or an employee of the management company, shall open or otherwise review any ballot prior to the time and place, which the ballots are counted and tabulated.
11. After tabulation of the votes, custody of all election materials will be transferred to the custody of the Association for its corporate records.