

Rudgear Estates Homeowners Association

Voting and Election Rules

These Voting and Election Rules were adopted by the board on October 11, 2006 and are intended to comply with the requirements of Civil Code section 1363.03(a). These Rules shall be effective on the date of adoption, shall supersede any other voting rules of the association, and shall remain in effect until modified by the board.

Article 1 **MEDIA**

1.1 Access to Association Media – Candidates for the Board. The board may but is not required to make association media (i.e., publication in the association newsletter or newspaper, or other notices mailed or delivered by the association to the owners or the Lots) 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.

1.2 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 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.

1.3 “Equal Access”. “Equal access” shall mean publication of written statements not to exceed a predetermined number of words. The board shall not edit or redact any statement, but shall not be required to publish any statement that exceeds the predetermined length restrictions.

1.4 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. Statements on behalf of candidates for election to the board shall be limited to personal statements by the candidate concerning the candidate’s qualifications to serve on the board.

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Article 2

VOTING BY SECRET BALLOTS

All voting by the members shall be conducted by secret ballot using a “double envelope system” as described in Civil Code section 1363.03(e). The ballot and envelopes shall be mailed or delivered to the members entitled to vote in the vote or election.

Article 3

INSPECTORS OF ELECTION

3.1 Appointment of Inspectors. Whenever there is a membership vote or election, the board shall appoint one or three inspectors of election.

3.2 Qualification of Inspectors of Election. Inspectors may be any persons the board reasonably believes to be independent with respect to the matter or matters being voted on and may include the association’s manager, accountant, or legal counsel or members of the association, but may not be a member of the board or a candidate for election to the board or a family member of a current member of the board or of a candidate.

3.3 Indemnification of Inspectors; Liability Insurance. Inspectors of election shall be deemed to be agents of the association for purposes of Corporations Code section 7237 and shall be entitled to indemnification by the association to the fullest extent provided by law. As provided in Corporations Code section 7237(i), the association shall have the power to purchase and maintain insurance on behalf of any agent of the association against any liability asserted against or incurred by the agent in his or her capacity as an agent of the association or arising out of the agent’s status as such, whether or not the association would have the power to indemnify the agent against such liability under the provisions of Corporations Code section 7237.

Article 4

CANDIDATES FOR THE BOARD

4.1 Qualification of Candidates. Candidates for the board must be members in good standing who have not been declared of unsound mind by a final order of court or been convicted of a felony (Corporations Code section 7221(a)). “Member” means a person who holds legal title to the property (i.e., is named in the deed for the property).

4.2 Nominations. The board shall publish or post a notice recruiting candidates for the board and stating the deadline for receipt of nominations. Any member who satisfies the qualifications may place his or her name in nomination for the board by giving written notice to the board 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.

Article 5 **MEMBER VOTING RIGHTS**

5.1 Qualification for Voting. Only members in good standing shall be allowed to vote. A member shall be deemed to be in good standing unless, after notice to the member and an opportunity for hearing, the board has found the member to be not in good standing and has so

notified the member in accordance with Civil Code section 1363(h). As long as any co-owner of a Lot is not in good standing, no vote shall be permitted for the Lot.

5.2 Voting Power of Each Membership. Only one vote shall be cast for each Lot. Once a ballot is received by the inspector of election, it may not be rescinded. Cumulative voting shall be permitted in the election of directors so long as the Association's governing documents permit cumulative voting.

5.3 Election by Acclamation. 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, then the qualified candidates shall be declared elected and written notice of the election shall be given to the members.

5.4 Proxies. In any election or vote of the members conducted by the association, only official ballots issued by the association shall be counted as votes. Proxies are not ballots and are not valid as votes in any election or vote conducted by the association.