

NORTHVIEW CONDOS, INC.

ELECTION RULES AND PROCEDURES

PROPOSED ELECTION RULES

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These are the Election Rules and Procedures of Northview Condos, Inc., a homeowner association (hereinafter referred to as the “Association” on occasion).

- 1. Board Directors, Annual Election of All Directors.** The election of the Board of Directors shall be held at the annual meeting of the Association. All five (5) Board positions shall be filled at such election. The Board of Directors shall consist of five (5) persons. See the By-Laws Article IV Section 1.
- 2. One Year Term.** Each Board member will serve a one (1) year term, or until the next election, whichever is longer. See the By-Laws Article IV Section 5.
- 3. Vacant Board Positions.** Vacant Board positions will be filled by Board member appointment until the next election applicable to the vacant seat filled by such appointment.
- 4. Candidate Must Be an Owner.** A candidate for the Board of Directors must be a current owner of at least one unit at the Association. Nominations may be made by any owner including nominating oneself. The Association will disqualify a person from nomination as a candidate if the person is not a member of the Association at the time of nomination. If title to a separate interest parcel is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person to be a member for the purposes of being a candidate. See Civil Code section 5105(b)(2).
- 5. Candidate Disqualification, Certain Prior Criminal Record.** A candidate will be disqualified if the candidate has a prior criminal conviction that prevents the Association from acquiring a fidelity bond or would result in the termination of any such bond. See Civil Code section 5105(c)(4). However, any such disqualified person will be given the opportunity to engage in Internal Dispute Resolution. See Civil Code section 5105(e).

Or

- 5. Candidate Disqualifications.** A candidate will be disqualified: 1) if the candidate has a prior criminal conviction that prevents the Association from acquiring a fidelity bond or would result in the termination of any such bond, 2) if such candidate’s election would result in joint owners of a separate interest serving on the Board at the same time, 3) if such candidate has been

a member of the Association for less than one (1) year, and/or 4) if such candidate is delinquent in assessment payments (and not for failure to pay fines), unless a) the candidate has paid the same under protest, b) has entered into an assessment payment plan, or c) has not been provided the opportunity to engage in IDR. See Civil Code section 5105(c). However, any such disqualified person will be given the opportunity to engage in Internal Dispute Resolution. See Civil Code section 5105(e).

6. **One Vote per Unit, Cumulative Voting Allowed.** The owner (or owners, jointly) of each unit may cast one vote for each board position to be filled at a given election. The candidates receiving the highest number of votes shall be elected as directors and shall take office immediately following their election. There shall be cumulative voting. Each unit will be entitled to cast one vote for each of the open Board director positions up for election, to cast all such votes for a single candidate, or, to be distributed among the candidates to be elected. See the By-Laws Article IV Section 5.

7. **Optional Biographical Information and/or Candidate Statement, No other Media Access.** A candidate for the Board of Directors may submit a short biography of qualifications and/or a candidate statement to be included in the mailing of ballots, not to exceed one hundred (100) words. The Association shall not edit or redact any content from any such biography of qualifications and/or candidate statement, but may include a statement specifying that the candidate, and not the Association, is responsible for the content. Other than the foregoing, any candidate or member advocating a point of view will not be provided access to any Association media, newsletter or internet website during a campaign.

Or

7. **Optional Biographical Information and/or Candidate Statement, and Other Media Access.** A candidate for the Board of Directors may submit a short biography of qualifications and/or a candidate statement to be included in the mailing of ballots, not to exceed one hundred (100) words. The Association shall not edit or redact any content from any such biography of qualifications and/or candidate statement, but may include a statement specifying that the candidate, and not the Association, is responsible for the content. Any candidate or member advocating a point of view will also be allowed to publish such biography of qualifications and/or candidate statement in any Association media, newsletter or internet website during a campaign. In this regard, access to any newsletter will be restricted to any publication within forty (40) days immediately before the election, access to any internet website will be limited to a period of forty (40) days immediately before the election, and postings in the Association's typical areas of notice will be limited to a period of forty (40) days immediately before the election.

Or

7. **No Association Media Access.** A candidate for the Board of Directors may not submit any materials nor advocacy information to be included with the mailing of ballots. Any candidate or member advocating a point of view will not be provided access to any Association media, newsletter or internet website during a campaign.

8. **Canvassing and Petitioning, Reasonable Hours set Forth.** Owners will be allowed to canvass and petition owners, Board members and residents in a reasonable manner with respect to elections. An owner will also be allowed to reasonably distribute and circulate information about elections and candidates. Such activity may include mailing or sliding flyers under front doors, door mats or behind any screen. Such activity may also include passively handling out flyers in the common area. These activities must all be within reasonable hours and may not be made with such aggressiveness as to create a nuisance. Flyers shall not be affixed to common area walls, doors, windows and the like, nor to private vehicles. Owners and residents should not be disturbed before 8: 00 a.m. nor after 8 p.m. Civil Code sections 4515(b)(4) & (5).

Or

8. **Canvassing and Petitioning.** Owners will be allowed to canvass and petition owners, Board members and residents in a reasonable manner with respect to elections. An owner will also be allowed to reasonably distribute and circulate information about elections and candidates. Such activity may include mailing or sliding flyers under front doors, door mats or behind any screen. Such activity may also include passively handling out flyers in the common area. These activities must all be within reasonable hours and may not be made with such aggressiveness as to create a nuisance. Flyers shall not be affixed to common area walls, doors, windows and the like, nor to private vehicles. Civil Code sections 4515(b)(4) & (5).

9. **Common Area Meeting Space Available.** Candidates and owners will be allowed to use any suitable common area, or a community room, recreational hall and/or clubhouse meeting room, for the peaceful assembly and meeting with other members or residents, their invitees or guests, to conduct a “Meet the Candidate Forum” or the like for any election to the Board of Directors, or to conduct a “Town Hall Meeting” for persons to express points of view concerning other matters subject to membership vote, when not otherwise in use. There will be no charge for the use of any such meeting place, nor will the applicant for such space be required to make a deposit, pay a fee, buy a liability policy of insurance or pay a premium or deductible on the Association’s insurance policy for such use. An area of separate interest with the consent of the applicable member may also be used for such an assembly or meeting. Civil Code sections 4515(b)(1) & (3).

Or

9. **No Common Area Meeting Space Available.** There is no common area meeting room or facility available to conduct a “Meet the Candidate Forum” or the like for any election to the Board of Directors, or to conduct a “Town Hall Meeting” for persons to express points of view

concerning other matters subject to membership vote. However, any other suitable common area, or, an area of separate interest with the consent of the applicable member, may be used for such an assembly or meeting when not otherwise in use. Civil Code sections 4515(b)(1) & (3).

10. **Number of Inspectors.** The Board of Directors shall appoint one (1) to three (3) inspector(s) of election. Civil Code section 5110(a). If there are three inspectors, the decision or act of a majority shall be effective in all respects as the decision or act of all. Civil Code section 5110(d). Any inspector report is prima facie evidence of the facts stated in such report. Civil Code section 5110(d).

11. **Who may Serve as an Inspector.** An inspector of elections may be a member of the Association but not members of the Board of Directors or candidates for the Board of Directors or related to a member of the Board of Directors or a candidate for the Board of Directors. An inspector of elections may be an independent third party, including but not limited to a volunteer poll worker with the county register of voters, a licensee of the California Board of Accountancy, and/or a notary public, but may not be a person or business entity who is currently employed or under contract to the Association for any compensable services other than as an inspector of elections. Civil Code section 5110(b).

12. **Powers of Inspector.** The inspector(s) of elections shall determine the number of memberships entitled to vote and the voting power of each; determine the authenticity, validity, and effect of proxies if any; receive ballots; hear and determine all challenges and questions in any way arising out of or in connection with the right to vote; count and tabulate all votes; determine when the polls shall close; determine the results of the election; and perform any acts as may be proper to conduct the election with fairness to all members. Civil Code section 5110(c). An inspector shall 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. Civil Code section 5110(d).

13. **Nomination Process, Nominations May be Made from the Floor.** The process for nominating a candidate to run for the board of directors shall be as follows in this section:

Self-Nomination. Any member of the Association qualified to serve on the Board of Directors may nominate himself or herself by personally delivering or mailing a letter or other writing advising the Board of Directors of his or her intent to run for a position on the Board of Directors, received by the Association no later from the Fortieth (40th) day before the ballot counting meeting of the membership, to be included on the written ballot mailed to owners. A member may also self-nominate thereafter or from the floor of the election meeting before the close of any additional nominations. See the By-Laws Article IV Section 1.

Nomination by Third Party. If the name of a candidate is proposed into nomination by someone other than the candidate, the candidate must verify his/her willingness to be placed on the ballot.

Close of Nominations. Candidate Nominations will be closed at 4:00 p.m. on the

Fortieth (40th) day before the ballot counting meeting, with respect to such nominee's name being printed on the ballot. Only written nominations (including the nominating committee's list of nominees and any self-nominations) personally delivered on or before the close of nominations will be accepted. Any nominee(s) thereafter or from the floor at the election meeting must be handwritten in on a blank space to be provided on the written ballot, by the member so voting.

14. Notice of Nomination Procedures, Pre-Ballot Notice and Ballot Materials. At least thirty (30) days before the deadline for nominations and approximately one hundred and five (105) days before the voting deadline, the Association will send out to members a General Notice of Nominations Procedures and Deadlines (so as to be listed on the mailed out ballots and to be nominated thereafter). The deadline for submitting candidate nominations will be at least thirty (30) days after the mailing date of such General Notice of Nomination Procedures and Deadlines. Individual notice of such will be made only if requested by a member beforehand. See Civil Code section 5115(a).

At least thirty (30) days after the General Notice of Nomination Procedures and Deadlines was sent, and at least thirty (30) days before the ballots are distributed, the Association will send out to members a Pre-Ballot Notice. In such Pre-Ballot Notice to owners, the Board shall state 1) the date, time and physical address for ballots to be mailed or hand delivered to inspectors, 2) the date, time and meeting location for the ballot counting meeting, and 3) the preliminary list of candidates whose names will appear on the mailed out ballot. Individual notice of such will be made only if requested by a member beforehand. See Civil Code section 5115(b).

About sixty (60) to sixty-five (65) days before the voting deadline, members will be permitted to verify the accuracy of his/her information on the preliminary candidate list and voter list, until forty (40) days before the voting deadline. The inspector will then change and correct such lists within two (2) business days of any error or omission being reported by the Association or member. See Civil Code section 5105 (a)(7). All qualified candidates nominated at least forty (40) days before the election will be listed on the mailed out ballots.

The ballot materials for the annual election of the Board of Directors shall be mailed to each member of the Association or otherwise delivered between the thirty-fifth (35th) and thirtieth (30th) days before the annual meeting of the members during which the ballots will be counted. These ballot materials will include the ballot(s). These ballot materials will also include a copy of the election rules or will include an internet website address on the ballot together with the phrase, in at least twelve (12) point font: "The rules governing this election may be found here", while posting the election operating rules on this same internet website. See Civil Code sections 5105(g)(4)(B)(i) & (ii).

15. Secret Ballot. Ballots and two pre-addressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the association to every member not less than 30 days prior to the deadline for voting. A voter may not be identified by name, address, or unit number on the ballot.

The Association shall use the following procedures:

a. The ballot itself is not signed by the voter but is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter prints and signs his or her name, address, and unit number that entitles him or her to vote.

b. The second envelope is addressed to the inspector or inspectors of election, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector or inspectors of election. The member may request a receipt for delivery at the beginning of the voting process.

16. **Custody of Cast Ballots at Designated Location.** The sealed ballots at all time shall be in the custody of the inspector or inspectors of election or at a location designated by the inspector or inspectors until after the tabulation of the vote.

17. **Record Date for Voting.** The record date for voting shall be the date when ballots are distributed. See Civil Code section 5105(g)(1).

18. **Correction of Voter List and/or Candidate Registration List.** Members will be allowed to verify the accuracy of his/her/their information on the voter lists and/or the candidate list until forty (40) days before the voting deadline. The Inspector of Elections will correct any errors on the same within two (2) business days. The voter list shall include the name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used. Civil Code section 5105(a)(7).

19. **Ballots Will Generally Not be Denied.** Ballots will not be denied to a member for any reason other than not being a member at the time of the record date for voting. A ballot will not be denied to a person with a general power of attorney for a member and will be counted if returned in a timely manner. See Civil Code sections 5105(g)(1), (2) & (3).

20. **Verification of Voter's Signature prior to Meeting, Cast Ballot is Irrevocable.** The inspector of elections, or the designee of the inspector, may verify the member's information and signature on the outer envelope prior to the meeting at which the ballots are tabulated. Once a secret ballot is received by the inspector of elections, it shall be irrevocable. Civil Code section 5120(a).

21. **Use of Proxies.** A Proxy may be used by an owner who is unable to attend the Annual Meeting at which Association directors will be elected, if he or she does not mail in a completed ballot beforehand. The person receiving the proxy is called a proxyholder. The proxyholder must be a member of the Association. If multiple proxies that have been submitted by an owner, such will be reviewed by the Inspector of Elections and the most current proxy issued (date and time) will be deemed valid. All other prior proxies will be null and void. Civil Code section 5130(c) requires that any instruction given in a proxy issued for an election that directs the manner in which the proxyholder is to cast the vote shall be set forth on a separate page. The

first page contains the authorizing language giving the proxyholder the power to vote, the second detachable page contains the instructions on how the proxyholder is to vote on each director. Once a proxyholder registers at the membership meeting, the Inspector of Elections keeps the first page of the proxy. The second detachable page of instructions on how the proxyholder is to vote is given to the proxyholder along with a ballot. The proxyholder then votes the ballot in secret.

22. **Initial Quorum and Reduced Quorum Thereafter.** The initial ballot counting meeting may, and will, be continued to another time and place if a quorum of fifty-one per cent (51%) of the total voting power of the Association is not met, by a majority of those present in person or by proxy, but no other business may be transacted. An adjournment for lack of quorum shall be to a date not less than five (5) days nor more than thirty (30) days from the original meeting date, and the applicable quorum for such meeting shall be twenty-five per cent (25%) of the total voting power of the Association. See the By-Laws Article II Sections 2 and 3 and Article III Section 6.

23. **Votes Tabulated.** All votes shall be counted and tabulated by the inspector or inspectors of election in public at a properly noticed open meeting of the Association. Any candidate or other member of the Association may witness the counting and tabulation of the votes. 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 at which the ballots are counted and tabulated. See Civil Code section 5120(a).

24. **Election Results.** The results of the election shall be promptly reported to the Board of Directors of the Association and shall be recorded in the minutes of the next meeting of the Board of Directors and shall be available for review by members of the Association. Within fifteen (15) days of the election, the Board shall publicize the results of the election in a communication directed to all members. See Civil Code section 5120(b).

25. **Storage of Ballots after Election.** After tabulation, election ballots, the signed voter envelopes, the voter list, any proxies and the candidate registration list shall be stored by the inspector of elections in a secure place at his or her designation, for no less than one year after the date of the election. Thereafter, the Association shall keep such ballots. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by association members or their authorized representatives. Signed voter envelopes may be inspected but not copied. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote. See Civil Code sections 5105 and 5200.

26. **Election Rule Amendments.** These election operating rules shall not be amended to be applicable less than ninety (90) days prior to an election, but any such amendment will be applied if required by law. See Civil Code section 5105(h).

27. **Election Rules may Supersede other Governing Documents.** These election rules may contain provisions mandated by the Davis-Stirling Act under California state law, and as such, may supersede any conflicting provisions in the Association's Bylaws and/or CC&Rs.

28. **Election Timeline.** An election timeline is attached hereto as Exhibit “A”.