

CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION
ELECTION RULES (ADOPTED 5/20/2020)

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RECITALS.

R1. These Election Rules (“Rules”) of Contra Loma Estates Homeowners Association (the "Association") have been enacted pursuant to Sections 5.8 of Article V of the Association’s Declaration of Covenants, Conditions and Restrictions (the "CC&Rs") and Civil Code §4340 *et seq.*

R2. It is the goal and intent of the Association that these rules ensure the following: **(a)** that if any candidate or Member advocating a point of view is provided access to any Association media, newsletters or Internet Web sites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and Members advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election;¹ and **(b)** access to the Common Area meeting space, if any exists, 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.

ARTICLE I: ELECTION INSPECTORS.

Section 1.1. Mandatory Use of Election Inspectors. The Association must use Election Inspectors for any Member vote on: **(a)** election of Directors; **(b)** removal of Directors; **(c)** approval of a Special Assessment or Regular Assessment increase if required by Civ. Code §5605; **(d)** Governing Document amendment; **(e)** grants of exclusive use of the Common Area pursuant to Civ. Code §4600; and **(f)** any other matter required by law. (See Civ. Code §5100(a).) Subsections (a) - (f) are hereinafter collectively “Mandatory Member Votes”. The Association may use Election Inspectors for any other Member vote.

Section 1.2. Number of Election Inspectors. As required by law, the Association can appoint one (1) Election Inspector or three (3) Election Inspectors.

Section 1.3. Selection of Election Inspector. The Board of Directors shall appoint the Election Inspector.

Section 1.4. Qualification of Election Inspector. Any person appointed as an Election Inspector must be independent, neutral (*i.e.*, not advocating an outcome on any matter on which the Members will be voting), of good repute and able to act in a manner that protects the interests of all Association Members.

(a) Approved Categories of Persons. Members (except those prohibited in Subsection (b), below) may act as an Election Inspector. Independent third parties, including CPAs, county poll workers and notaries public, may also act as an Election Inspector. Vendors who specialize in providing Election Inspector Services (and who provide no other services to the Association) may also be hired (and paid) by the Association to act as an Election Inspector.

(b) Prohibited Categories of Persons. Any Member who is: **(i)** a candidate; **(ii)** a Director; **(iii)** an employee of any candidate or Director; and/or **(iv)** a relative or significant other of a candidate or Director is prohibited from acting as an Election Inspector. The Association’s **(v)** manager, **(vi)** attorney, **(vii)** CPA, and **(viii)** other paid vendors or service providers used by the Association are also prohibited from serving as an Election Inspector.

(c) Election Inspector Assistants. The Election Inspector may employ any number of assistants (who are neutral, independent third parties) to help the Election Inspector fulfill his/her duties, including verifying Signed names and processing and tabulating votes. Employee(s) of the Association’s management company may serve as assistant(s) to the Election Inspector.

¹ The Association will 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.

Section 1.5. Deadline for Appointment. The Board should appoint the Election Inspector no later than the day that the Association mails Ballot Packets to the Members. (See Article V, below.)

Section 1.6. Powers & Duties. The duties of the Election Inspector are as set forth in Exh. “A” – Election Inspector Duties.

Section 1.7. Majority Rules. If three (3) Election Inspectors are appointed, the decision or act of a majority (*i.e.*, two (2) of the Election Inspectors) shall be effective in all respects as the decision or act of all Election Inspectors.

ARTICLE II: DIRECTORS.

Section 2.1. Number & Qualifications of Directors. The Board of Directors shall consist of five (5) persons.

(a) **Qualifications.** To be eligible or qualified to be a Director, each nominee must: (1) be an Owner/Member as of the deadline for nomination; (2) be a Member in Good Standing (*i.e.*, current on regular and special assessments); (3) not have been convicted of a crime that would prevent fidelity bond coverage; (4) be a Member for at least one (1) year at the time of nomination; and (5) only one (1) Owner per Unit shall serve on the Board at any time.

(b) **Member is a Legal Entity.** Where Member is a legal entity (but not a natural person), the legal entity has the power to appoint a natural person who is qualified under this Section 2.1 to be a Director.

(c) **Disqualified Candidates & IDR Rights.** Any person failing to meet the qualifications set forth in Subsection (a), above, has a right to engage in internal dispute resolution pursuant to Civ. Code §5900 *et seq.*, before the Association can remove that person as a candidate on the Mailed Ballot. (See Section 12.2, below, defining Candidate Registration List.)

Section 2.2. Expiration of Directors’ Terms of Office. Each Director shall be elected for a three (3) year term.

Section 2.3. Maximum Timing for Directors Elections. The Association must hold a Director election at least once every four (4) years. (Civ. Code §5100(a)(2).)

Section 2.4. Campaign Funds for Director Elections. The Association is prohibited from spending any Association funds for campaign purposes. (See Civ. Code §5135) Expressly allowed, however, are the costs of: (a) the preparation and mailing of Association Election Materials (*e.g.*, Ballot Packets) as set forth in these rules and Civ. Code §5115; and (b) furnishing refreshments at any meeting.

ARTICLE III: NOMINATIONS FOR DIRECTORS.

Section 3.1. Self-Nomination. Any Member who is qualified is expressly allowed to nominate himself (or herself) as a candidate. (See Section 2.1(a), above, for qualifications.)

Section 3.2. General Notice of Nomination Procedures & Deadline. At least thirty (30) days before the deadline for nominations, the Association must provide Members with notice of: (1) the nomination procedure; and (2) deadline for Members to submit nominations.

(a) **Contents of General Notice.** At minimum, this general notice to Members must include: (i) a summary or outline of the nomination procedures; and (ii) the deadline for Members submitting a nomination.

(b) Delivery Methods. Unless a Member requests Individual Delivery, the Association may provide notice to the Members by General Delivery. (See Section 12.3, below, discussing delivery methods as specified in Civ. Code §§4040 & 4045.)

Section 3.3. Nomination Form. In the Board’s discretion, the Association can satisfy the notice requirements of Section 3.2, above, by mailing a nomination form to each Member. The nomination form must set forth: **(a)** the deadline for the Association’s receipt of the nomination form; **(b)** procedures for nomination; and **(c)** allow each Member to self-nominate for the Director position(s) with expiring terms. (See Exh. “B” for a sample of a nomination form).

Section 3.4. No Nominations from Floor or Write-ins on Ballot. Nominations from the floor of Member Meetings and/or write-in candidates on the Mailed Ballot are not allowed.

ARTICLE IV: CANDIDATE REGISTRATION LIST, VOTER LIST & PRE-BALLOT NOTICE.

Section 4.1. Candidate Registration List. Once the nomination period has closed, the Association must generate a Candidate Registration List that lists: **(a)** all Members who were nominated on or before the nomination deadline; and **(b)** specifying whether any of the Members nominated are disqualified and the basis of the disqualification. (See Section 2.1(a), above, specifying qualifications; and Section 12.2, below, defining Candidate Registration List.)

Section 4.2. Voter List. The Association must also generate a Voter List. (See Section 12.13 defining Voter List.)

(a) Timing. The Voter List shall list all of the persons who are Members as of the date that the Voter List is generated.

(b) Contents of Voter List. The Voter List must include the following information for each Member: **(a)** name; **(b)** Member’s Voting Powers; **(c)** mailing address for the Unit and/or Unit number; and **(d)** mailing address for the Member (if that Member is not a Resident).

Section 4.3. Member Verification Process. At least thirty-five (35) days before the Mailed Ballots are sent out as outlined in Article V, below, the Association shall provide to each Member that Member’s information from both the Candidate Registration List and the Voter List along with a request that the Member should review that information for its accuracy and to report back to the Association (or the Election Inspector) of any errors or omissions to that Member’s information from either list.

(a) Deadline for Members’ Corrected Information. The information provided under this Section 4.3 will also set forth the deadline by which the Member must provide the Member’s corrected and/or omitted information back to the Association. This deadline should be not less than five (5) days before the anticipated date for mailing the Mailed Ballots.

(b) Update Association Records. Within two (2) business days of receipt of any corrected or omitted Member information, the Association must update its records with the corrections of any errors and/or the addition of any omitted information.

(c) Generate New Lists. If any omitted or corrected information is provided by a Member, the Association shall generate new (*i.e.*, updated and/or corrected): **(i)** Candidate Registration List; and/or **(ii)** Voter List for use in the upcoming Member vote.

Section 4.4. Pre-Ballot Notice. At least thirty-five (35) days before the Mailed Ballots are sent out (as outlined in Article V, below) the Association shall provide to each Member a Pre-Ballot Notice that contains the following:

(a) List of Candidates. The list of all of the candidates' names (in random order) that will appear on the Mailed Ballot.

(b) Ballot Deadline Date. The **(i)** date; and **(ii)** time for the deadline for returning the ballots for the upcoming election; and **(iii)** the mailing address; and **(iv)** hand delivery address (if different than the mailing address) where the Members are to return the Voter Envelopes containing the Mailed Ballots.

(c) Tabulation Meeting Date. The **(i)** date; **(ii)** time; and **(iii)** location for the Board (or Member) Meeting where the Voter Envelopes will be opened and tabulated.

(d) Delivery Methods. Unless a Member requests Individual Delivery, the Association may provide notice to the Members of the Pre-Ballot Notice required in this Section 4.4 by General Delivery.

ARTICLE V: MAILED BALLOTS & BALLOT PACKETS.

Section 5.1. Members Entitled to Receive Mailed Ballots & Vote. On the date that the Mailed Ballots/Ballot Packets are to be distributed to the Members (*e.g.*, mailed), the Association will generate a new (updated) Voter List and use this Voter List to determine who is a Member for purposes of: **(1)** receiving a Mailed Ballot/Ballot Packet; and **(2)** having the right to vote/return a Mailed Ballot. (Civ. Code §5105(g)(1).)

Section 5.2. Mailed Ballots.

(a) Mandatory Use of Mailed Ballots. All Mandatory Member Votes must be held by secret Mailed Ballot in accordance with the procedures of §5100 *et seq.*, and this Article V. (*See* Section 1.1, above, defining Mandatory Member Votes.)

(b) Discretionary Use of Mailed Ballots. Unless voting by Mailed Ballot is required by Civ. Code §5100 *et seq.*, the Board has discretion on whether to use the Mailed Ballot process from the Election Rules.

Section 5.3. Deadlines & Extensions.

(a) Distribution & Deadlines. The Election Inspector shall distribute (or cause to be distributed) a Ballot Packet Envelope with a Mailed Ballot to every Member (who is a Member at the time the ballots are distributed) at least thirty (30) days prior to the final date the Mailed Ballots are to be received by the Election Inspector/Association to be counted. The close of the balloting period (*i.e.*, closure of the polls) must be: **(i)** at least thirty (30) days after the date the Ballot Packets were distributed to the Members (*e.g.*, mailed); and **(ii)** clearly set forth on the Mailed Ballot.

(b) Extension of Balloting Period. The deadline for receipt of the Voter Envelopes (*i.e.*, closure of the polls) may be extended by the Board of Directors.

Section 5.4. Ballot Packets. At minimum, the Ballot Packet for each Member vote by Mailed Ballot shall consist of the following:

(a) Official Ballot. The Association's official Mailed Ballot. (*See* Exh. "C" for a sample of the Association's approved secret ballot form).

(b) Voting Instructions. Instructions for use of the balloting packet and voting. (*See* Exh. "D" for a sample of the Association's approved voting instructions).

(c) Secret Ballot Envelope. A small ("first") envelope as defined in Section 12.10, below.

(d) Voter Envelope. A (“second”) postage-paid return envelope with the Election Inspector’s address pre-printed as the recipient and voter information in the upper left-hand corner as specified in Section 12.12, below.

(e) Election Rules. A copy of the Association’s Election Rules.

(i) Posted on Website & Disclosure. The requirement to provide a copy of the Election Rules in the Ballot Packet can be accomplished by posting those Election Rules on a website and including the following information on the Mailed Ballot: **(A)** the website address; and **(B)** the following language (in at least 12 point font): “The Rules governing this election may be found here.”

(ii) Electronic Delivery. Where a Member has consented in writing (including by email) to individual delivery (as authorized by Civ. Code §4040(a)(2)), the Association has the right to transmit the required copy of the Election Rules by that electronic method. For purposes of this Subsection (ii), electronic delivery means email, facsimile and other electronic means.

(f) Candidate Nomination Forms. If in its discretion, the Board decides that copies of the first page of every nomination form received from any candidate (or Member advocating a point of view) should be provided to the Members, copies of those nomination forms may also be included as part of the Ballot Packet. (*See* Exh. “B”).

(g) Ballot Packet Envelope. One (1) each of the items listed in Subsections (a) through (f), above, shall be inserted into an envelope (*i.e.*, “Ballot Packet Envelope”). After the Ballot Packet Envelopes have been stuffed with the Ballot Packet materials, the Association shall have one (1) Ballot Packet Envelope: **(i)** addressed to each Member (as of the date the Ballot Packets were mailed) to that Member’s address as it is set forth in the Voter List; **(ii)** marked with the Election Inspector’s address for the returned address; **(iii)** sealed; and **(iv)** stamped with sufficient postage for mailing by first class. The stamped, stuffed, sealed and addressed Ballot Packet Envelope and enclosed materials are hereinafter collectively the “Ballot Packet”.

Section 5.5. Mailing Procedure. One (1) Ballot Packet shall be mailed to each Member. (*See* Section 5.1, above, specifying who is a Member entitled to received a Ballot Packet.)

(a) Postage Paid. All Ballot Packets must be mailed with sufficient postage and sent by first class mail.

(b) Affidavit of Mailing. An affidavit of the mailing (or other means of giving notice) of any Ballot Packet (and/or notice of Member meeting) may be executed by the Secretary of the Association, and if so executed, shall be filed and maintained in the Association Records with the minutes. An affidavit constitutes prima facie evidence that the items were mailed or the notice was given.

Section 5.6. Contents of Mailed Ballot.

(a) Director Elections. For an election of Directors, the ballot must set forth: **(i)** the names (in random order) of all qualified candidates whose names have been placed in nomination at the time the ballot is issued; **(ii)** the number of director positions to be filled; and **(iii)** whether or not cumulative voting is allowed.

(b) Other Matters. For all matters other than Director elections, the Mailed Ballot must provide a clear statement of the matter to be voted on by the Members.

(c) Voting Options. Any Mailed Ballot must set forth the proposed action and provide an opportunity for the voting Member to specify approval (“yes”) or disapproval (“no”) to the proposed action.

(d) Balloting Deadline. Any Mailed Ballots must state the time (deadline) by which the ballot must be received in order to be counted (*i.e.*, closure of the polls).

(e) Quorum & Approval Requirements. Any Mailed Ballot (or its accompanying voting instructions) must set forth: (i) the number of responses needed to meet the quorum requirement for valid action; and (ii) the percentage of “yes” votes needed for approval, if any.

(f) Election Rules Statement. If Election Rules were posted on the internet for the upcoming Member vote, then the Mailed Ballot must include the internet address for the location of the Election Rules and state in at least 12-point font: “The rules governing this election may be found here.” (See Section 5.4(e)(1), above regarding delivery of Election Rules.)

(g) Secrecy. In order to preserve confidentiality, a voter may not be identified by name, address or Unit number on the ballot.

Section 5.7. Envelopes & Voting Instructions. For Mandatory Member Votes, the Association must comply with the Secret Ballot Envelope, Voter Envelope and voting instruction requirements of Civ. Code §5100 *et seq.* (See Section 1.1, above, defining Mandatory Member Votes.)

Section 5.8. Determining Results/Approval. A matter on a Mailed Ballot is “Approved” by the Members only if: **(a)** the quorum requirement is met, below; and **(b)** the “yes” votes satisfy the passage requirement, if any.

Section 5.9. Proxies Prohibited. Use of Proxies is prohibited when the Association is conducting the Member vote by Mailed Ballot.

Section 5.10. Irrevocable. Once a Voter Envelope is received/Mailed Ballot is cast (*i.e.*, received by the Association or its Election Inspector), that ballot may not be revoked.

Section 5.11. Written Notice to Members. The results of any vote by Mailed Ballot must be mailed to the Members within fifteen (15) days of the end of tabulation of votes. If the number of ballots cast with respect to any matter is insufficient to satisfy the minimum quorum requirements for valid action, the Board will notify the Members that the quorum was not met.

ARTICLE VI: RECEIPT & HANDLING OF VOTING MATERIALS.

Section 6.1. Voting Ballots & Delivery to Election Inspector. Each Member eligible to vote has the right to Mark his voting choices on the Association’s official Mailed Ballot and return that Mailed Ballot to the Association’s Election Inspector using the Voter Envelope and Secret Ballot Envelope in accordance with the provisions of Civ. Code §5115(a)(1), these rules and the process set forth in the Voting Instructions.

Section 6.2. Return & Receipt of Ballots. Each Member is to return his (or her) Mailed Ballot to the Election Inspector at the address stated in the Ballot Packet (and on the Voter Envelope). The Member must Sign his/her name and ensure that the Member’s address (or Unit number) is legible and located in the upper left-hand corner of the Voter Envelope.

ARTICLE VII: MEETINGS & EQUAL ACCESS.

Section 7.1. Meetings.

(a) Tabulation. The tabulation of votes may be done at either a Member meeting or a Board meeting.

(b) Informational or Meet-the-Candidates Meetings. In the Board’s discretion, the Association may hold informational, meet-the-candidates, and/or other Member meetings. At any such meeting, all candidates (and any Member(s) wanting to express an opinion related to the matters being voted) shall be given equal access to address the Members. The Board may set time limits for each person to address the Membership.

Section 7.2. Opening Envelopes & Counting Ballots.

(a) Decision to Open Envelopes & Count Ballots. If a quorum is established (and sufficient votes for Member approval, if any), the Election Inspector shall proceed to the tabulation of the ballots. If a quorum is not established (or insufficient votes received to determine heightened Member approval requirements), the Board can: **(1)** re-open the polling period and solicit additional ballots; **(2)** declare the election over and announce the vote results; or **(3)** restart the election process.

(b) The Tabulation. The Voter Envelopes & Secret Ballot Envelopes are to be opened and the ballots counted by the Election Inspector in the manner similar to the process outlined in Section 4 of Exh. “A” – Election Inspector Duties.

(c) Acclamation. Voting by acclamation is not allowed. (Civ. Code §5100(g)).)

Section 7.3. Equal Access.

(a) No Access to Association Media. There shall be no access by any candidate (or Member advocating a point of view) to any of the Association’s media (including, but not limited to, newsletters, mailers and/or Internet website). In particular, the Board (or any Director) is prohibited from: **(i)** displaying the photograph or name of any candidate in any Association communication (*e.g.*, publication of the Association newsletter with a president’s corner or photo of the president) within the thirty (30) day period immediately preceding the close of the polls/end of the balloting period for any Member vote; and **(ii)** the preparation and distribution of any materials advocating any particular candidate’s election or defeat.

The sole exception is the mailing of copies of the first page of the nomination forms received from any candidate (or Member advocating a point of view) as allowed in Section 5.4(f), above.

(b) Common Area Meeting Space. The Association does have a Common Area meeting space. If the Board decides, in its discretion, to hold a meet-the-candidates meeting, all candidates (and Members advocating a point of view) shall have an equal opportunity to speak to attending Members for purposes related to the Member vote. The Board has the right to enforce reasonable time limits on speakers.

(c) No Disclosure of Voting Choices. Each Member has the right to keep his (or her) voting selections and preferences secret. No person has the right or ability to compel a Member to disclose how that Member voted on any Member vote.

The Election Inspector has the right to advise the Association of the names of those Members who have not yet voted in order to allow the Association to contact those Members to encourage them to vote. An Election Inspector who provides this information is not violating the secrecy provisions of the Member vote.

Section 7.4. Written Notice to Members. Within fifteen (15) days of the tabulation, the Board will provide written notice to all Members of the voting resulting by posting within the Common Area. This notice may also be mailed to all Members.

ARTICLE VIII: STORAGE OF VOTING MATERIALS.

Section 8.1. Bundle All Voting Materials. After the voting results have been reported to the Board, the Election Inspector shall place all of the Association Election Materials plus tabulation sheets and the Election Inspector Report (if any) into an envelope (or box) for storage pursuant to Section 8.2, below. (*See* Section 12.1, below, defining Association Election Materials.)

Section 8.2. Storage. Pursuant to Civ. Code §5125, the Election Inspector shall either maintain the Association Election Materials, tabulation sheet(s) and Election Inspector Report (or designate that the Association may store the Association Election Materials) for not less than one (1) year after the later of (a) the date that the Election Inspector provides notice of the election results to the Board and Members; or (b) the date the cause of action accrues. (*See* Civ. Code §5145(a). *See also* Corp. Code §7527).

Section 8.3. Production & Review of Voting Materials. The Association (or its Election Inspector while the Election Inspector has possession of the Association Election Materials) shall make the Association Election Materials available for inspection and review by a Member (or the Member's authorized representative) if a recount or other challenge to the election process has been made. In order to trigger the Member's right to review and inspect the ballots, the Member must make his (or her) request in writing.

Signed Voter Envelopes may be inspected but are not to be copied during any inspection and/or copies provided to a Member in response to a Member request.

ARTICLE IX: PROXIES.

Section 9.1. Use of Proxies. Where a Member vote is solicited by Mailed Ballot pursuant to Civ. Code §5100 *et seq.*, Corp. Code §7513 and Article IV, above, use of a Proxy is prohibited on all matters set forth on that Mailed Ballot. For Member votes where Proxies are allowed, only a Member may be a Proxyholder. (*See* Civ. Code §5130.)

Section 9.2. Validity. For any Member vote where an Election Inspector is appointed, the Election Inspector has the right and power to determine the force and validity of any Proxy.

ARTICLE X: ELECTION INSPECTOR REPORTS.

Section 10.1. Preparation, Execution & Impact of Report. As soon as possible after the tabulation of the votes, the Election Inspector is required to prepare and execute an Election Inspector report. Any Election Inspector report made by the Election Inspector is prima facie evidence of the facts stated in the report.

Section 10.2. Contents. The Election Inspector shall prepare a report substantially similar to the Association's approved Election Inspector report. (*See* Exh. "E" for a sample of the Association's approved Election Inspector report and Section 5(a) of Exh. "A" - Election Inspector Duties.)

ARTICLE XI: ELECTION CHALLENGES.

Section 11.1. Member Complaints or Challenges. If a Member has a complaint concerning qualification of candidate(s) and/or voting violations or wants to challenge the results of any Member vote, before that Member can bring any litigation, the Member must submit in writing to the Election Inspector that Member's complaint(s). The writing must contain: (a) the name of the Member making the complaint; (b) the alleged violation(s) and the violator(s); (c) any other relevant facts concerning the alleged violation(s); and (d) the Signature of the Member alleging the existence of a violation.

The Member shall provide the Association with a copy of the Member's written complaint and/or challenge.

Section 11.2. Response by Election Inspector. Upon receipt of a complaint, the Election Inspector must review the matter and provide a written response to the complaining Member within fifteen (15) days of the receipt of the written complaint.

The Association has the right to provide any information and/or documentation that may help address and/or respond to the Member's complaint and/or challenge.

Section 11.3. Renewal of Member Complaint and/or Challenge. If the Member believes that the written response (or other action undertaken by the Election Inspector) doesn't adequately address the Member's complaint(s), the Member can proceed with any other remedy concerning those complaint(s). (*See* Civ. Code §§5145 and Corp. Code §7527).

Section 11.4. Litigation. The Member can file civil action in either Small Claims or Superior Court as long as the demand is within jurisdictional limits of that Court.

Section 11.5. Election Void. The Court must void any election where the suing Member establishes by a preponderance of evidence that the Election Rules and/or election procedures set forth in Civ. Code §§5100-5145 were not followed and/or that the Election Rules were not adopted in compliance to Civ. Code §§4340-4370 unless the Association establishes (by a preponderance of evidence) that the noncompliance did not impact the election results.

ARTICLE XII: DEFINITIONS.

Section 12.1. Association Election Materials. The term "Association Election Materials" means: **(a)** returned ballots; **(b)** Signed Voter Envelopes; **(c)** the Voter List; **(d)** Proxies; and **(e)** Candidate Registration List. (*See* Civ. Code §5200(b) defining Association Election Materials.)

Section 12.2. Candidate Registration List. The term "Candidate Registration List" means a list of all Members that have been nominated as candidates for the upcoming Director election and that also specifies whether each nominated Member is qualified or not. (*See* Section 2.1(a), above, setting forth qualifications.)

Section 12.3. Delivery Methods.

(a) General Delivery. Civ. Code §4045 General Delivery methods are: **(A)** posting in a prominent location in the Common Area accessible to all Members; **(B)** inclusion in the Association's television broadcast programming; **(C)** inclusion in a newsletter, billing statement or other document; or **(D)** by individual delivery as set forth in Civ. Code §4040. (*See* Subsection (b), below for Individual Delivery methods.)

(b) Individual Delivery. Under Civ. Code §4040, Individual Delivery can be made by: **(A)** first class mail with postage pre-paid; and **(B)** where a Member has consented in writing (including by email) to individual delivery by electronic means (as authorized by Civ. Code §4040(a)(2)), the Association has the right to transmit the required copy of the Election Rules by that electronic method. For purposes of this Subsection (ii), electronic delivery means email, facsimile and other electronic means.

Section 12.4. Mailed Ballot. A "Mailed Ballot" is a written ballot that is mailed (or otherwise distributed) to every Member entitled to vote on the matter and that complies with the requirements of Article IV, above, Civ. Code §5115(a) and Corp. Code §7513. For purposes of this definition, the term Mailed Ballot expressly does not include a written ballot solely distributed to the Members at a meeting and/or a Proxy.

Section 12.5. Mark & Marked. The term "Marked" and/or "Mark" means a figure, identifiable written word or a mark such as "✕" or "√" that a Member places on the ballot (or Proxy) to indicate a voting choice or selection.

Section 12.6. Member. The definition for “**Member**” is as set forth in Section 1.17 of the CC&Rs. For purposes of these rules the terms Owner and Member are interchangeable.

Section 12.7. Member in Good Standing. “**Member in Good Standing**” means a Member who owns a Unit that is in Good Standing. A “**Unit in Good Standing**” is a Unit that is current in the payment of all regular and/or special assessment. Unit in Good Standing does not apply if the only amount(s) unpaid are: **(a)** fines; **(b)** reimbursement/special individual assessments; and/or **(c)** the Association’s collection costs, including interest, late charges and/or collect costs imposed by a third-party on behalf of the Association. Unit in Good Standing also does not apply if: **(d)** the regular or special assessment has been paid under protest pursuant to Civ. Code §5658 and/or **(e)** the regular or special assessment is within a payment plan (not in default) pursuant to Civ. Code §5665.

Section 12.8. Owner. The definition for “**Owner**” is as set forth in Section 1.19 of the CC&Rs.

Section 12.9. Proxy. The term “**Proxy**” means a written authorization Signed by a Member (or the authorized representative of the Member) that gives another Member the power to vote on behalf of that Member. Proxies shall not be construed or used in lieu of a Mailed Ballot (or any other written ballot).

Section 12.10. Secret Ballot Envelope. The term “**Secret Ballot Envelope**” means the (“first”) envelope into which the Member inserts that Member’s Mailed Ballot. The Secret Ballot Envelope is, then, placed into the Voter Envelope. (*See* Civ. Code §5115(c)(1) describing envelope requirements and process.)

Section 12.11. Signed & Signature. The terms “Signed” or “Signature” means the placing of the Member's name on the Proxy or Voter Envelope (whether by manual signature, typewriting, telegraphic transmission, or otherwise) by the Member (or authorized representative of the Member).

Section 12.12. Voter Envelope. The term “**Voter Envelope**” means the pre-addressed and stamped (“second”) envelope that has the voter information on its upper left-hand corner that is mailed back to the Association/Election Inspector. (*See* Civ. Code §5115(c)(1) describing envelope requirements and process.)

Section 12.13. Voter List. The term “Voter List” is a list of all Members that provides the following information for each Member: **(a)** name; **(b)** Member’s Voting Powers; **(c)** mailing address for the Unit and/or Unit number; and **(d)** mailing address for the Member (if offsite).

Section 12.14. Voting Power. The term “**Voting Power**” means the number of vote(s) each Member is entitled to vote on a particular ballot item.

Section 12.15. Definitions Incorporated by Reference. All terms used herein that are defined in the Bylaws and/or CC&Rs have the same meaning unless the context clearly indicates a contrary intention.

ARTICLE XIII: AMENDMENT.

Section 13.1. Amendment. These rules may be amended by the Board in compliance with Civ. Code §§4340, *et seq.*,

Section 13.2. Timing. Any amendment of these Election Rules must occur at least ninety (90) days before the Association’s next Member vote/election.

CERTIFICATE OF SECRETARY

The undersigned duly elected and acting Secretary of the mutual benefit nonprofit corporation, known as Contra Loma Estates Homeowners Association, does hereby certify that the above and foregoing Election Rules consisting of 11 pages (plus Exhibits "A" through "E"), was adopted in compliance with Civ. Code §4340 *et seq.*, in that the Board: (1) provided the Members with written notice of the proposed adoption of election rules and a copy of the proposed election rules at least thirty (30) days before the Board adopted these election rules; (2) voted to approve the proposed election rules at a Board meeting (and after considering any Member comments); and (3) mailed notice of its decision to adopt these election rules to all Members within fifteen (15) days of the Board meeting where the election rules were adopted. The undersigned further certifies that the same does now constitute the election rules for Contra Loma Estates Homeowners Association as required by Civ. Code §5100 *et seq.*,



(Signature of the Secretary)

9-28-20

CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION
ELECTION INSPECTOR DUTIES

Section 1. Powers. The Person(s) appointed as Election Inspector(s) have the full powers set forth in Civil Code §5100 *et seq.*, and Corporations Code §7614 (or comparable superseding statutes).

Section 2. Obligations. The Election Inspector must perform his (or her) duties impartially, in good faith, to the best of his or her ability, as expeditiously as is practical and in a manner that protects the interest of all Members of the Association.

Section 3. Duties Before the Tabulation Meeting & the Opening Ballots.

(a) Number of Members. Verify the number of Members and the Voting Power of each Member. (*See* Section 7(a) & (b), below.)

(b) Validity of Proxies. Invalidate (but keep) all Proxies pursuant to Article IX of the Election Rules.

(c) Receive Ballots. Receive and keep (or designate a location for the maintenance of) Association Election Materials (as defined in Section 12.1 of the Election Rules). In particular, the Voter Envelopes must be maintained in an un-opened state until tabulation at the noticed meeting.

(d) Verify Member Information on Voter Envelope. Verify that the Member information and Signed name on each Voter Envelope matches a Member by comparing the information on the Voter Envelope with the Voter List.

(i) The Election Inspector will void all ballots that are returned in an envelope that fails to have the necessary identification information in the upper left-hand corner of the envelope that matches the Voter List.

(ii) If the name or address on the Voter Envelope does not match the name or address on the Voter List, the Election Inspector shall mark the unopened Voter Envelope with a "U" for unverified.

(e) Determine Quorum/Approval Requirements. Determine the quorum requirement and the approval requirement, if any, for the election.

(f) Report to Board. If the number of valid unopened Voter Envelopes received by the deadline do not meet (or exceed) the number of ballots required for **(i)** the quorum and **(ii)** Member approval requirement (if any), the Election Inspector must immediately report that information to the Board.

(g) Cooperate in Voting Extension. The Election Inspector shall cooperate with the Association in postponing the close of the polls and ballot tabulation process (and extension of the balloting period) to allow Members additional time to vote if the Board decides to extend the balloting deadline because the quorum or Member approval requirements have not yet been met.

(i) Reduced Quorum. The Election Inspector shall verify if there is a reduced quorum percentage and applies to the Member vote. (*See* Section 7(e)(iii), below.)

(ii) Sending Notices. The Election Inspector shall cooperate with the Association in sending out notices for the continuation of the polling period, if any.

(h) Replacement Ballots. The Election Inspector may provide a requesting Member with a duplicate or replacement ballot (or Ballot Packet) if the Election Inspector has verified that: **(a)** the Member requesting a duplicate ballot is a Member on the Voter List; and **(b)** the Association has not already received a Voter Envelope for that Member's Unit. The Member may need to sign a statement under penalty of perjury that the Member's original ballot was lost, destroyed or stolen before that Member is entitled to receive a duplicate ballot.

The Election Inspector shall list the number of replacement ballots provided to Members and the name(s) of the Member(s) who requested and received those replacement Ballot Packets.

Section 4. Duties during the Tabulation Meeting.

(a) Closure of the Polls. The Election Inspector shall determine and/or verify that the polls have closed (*i.e.*, that the balloting period has ended). (*See* Subsection (e), below, regarding how to determine if the balloting period is being closed or extended. *See also* Section 7(e), below, setting forth the quorum requirements and the Member approval requirements.)

(b) Missing Information on Voter Envelopes. If the Voter Envelope does not contain the Signed name or address information required by Civ. Code §5115(a)(1), but contains information sufficient to verify the Member's identity (as decided by the Election Inspector using his/her discretion), the Election Inspector may open and count the enclosed ballot.

(c) Void Voter Envelopes. If the information on the Voter Envelope does not match a Member on the Voter List or if the Election Inspector can't sufficiently verify the Member's identify, the Election Inspector should write "void" across the Voter Envelope and **not** open any void Voter Envelopes.

(d) Allow Observation of Tabulation Process. The opening of the Voter and Secret Ballot Envelopes and counting of the Mailed Ballots in public during a properly noticed meeting. Interested Members (and candidates) attending the meeting have a right to observe the envelope opening and ballot counting process and the Election Inspector shall allow that observation (without allowing anyone to interfere with the tabulation process). However, the Board and/or the Election Inspector has the right to remove any Person that attempts to handle any balloting materials, interfere with the tabulation process or refuse to allow sufficient space for the Election Inspector to perform his duties.

(e) Verify Quorum & Approval Requirements. The Election Inspector shall count the Voter Envelopes and use that total to determine if the quorum requirement (and approval requirement, if any) have been met. (*See* Section 7(e) & (f), below.)

If a quorum is established, the Election Inspector shall proceed to the tabulation of the ballots. If a quorum is not established (or insufficient votes to determine heightened Member approval requirements), the Board can: **(1)** re-open the polling period and solicit additional ballots; **(2)** declare the election over and announce the vote results; or **(3)** restart the election process.

(f) Opening of the Envelopes. Open all of the Voter Envelopes and the Secret Ballot Envelopes received from valid, eligible Members. After opening, the Voter Envelopes must be retained as part of the Association Election Materials. If any of the Secret Ballot Envelopes do not contain a ballot, that Secret Ballot Envelope should be marked with "no ballot enclosed" and also kept as part of the Association Election Materials.

(g) Counting the Votes and Reporting Vote Results.

(i) Deemed Abstained Votes. If a Member timely returns a valid Voter Envelope but the Member failed to insert a Marked Mailed Ballot (or inserted an unmarked Mailed Ballot) into the Voter Envelope, the Member shall be deemed to have voted “Abstained” on all matters and the Association may count that Member’s vote in order to satisfy the Association’s quorum requirements.

(ii) Tabulation. The Election Inspector shall count the votes on the Mailed Ballots and determine the vote totals.

(iii) Determine Vote Results. The Election Inspector determines the tabulated results of the election (in compliance with the requirements of the Governing Documents (including the Election Rules), the Davis-Stirling Act and the Corporations Code) (*e.g.*, which candidates were elected or whether Members passed (or approved) any other pending issue(s)). Specifically, the Election Inspector shall determine if Member approval requirements were satisfied, if any. (*See* Sections 7(e) & (f), below for Member approval votes and majority votes.)

(A) Director Elections. The candidate(s) receiving the greatest number of votes, up to the number of Directors to be elected, are the candidate(s) elected to the Director position(s). In the event there is a tie vote between those candidates who receive the lowest number of votes necessary to qualify for a Director position, the tie shall be broken by lot (*e.g.*, the candidates drawing straws).

(B) Member Approval Requirements. For Member votes that require a certain percentage or number of Members approve the matter for passage, the matter is only approved (or passed) if the “YES” votes equal or exceed the specified number or percentage. (*See* Section 7(e) & (f), below, for Member approval votes and majority votes.)

(ii) Bundle Ballots. After the tabulation is completed, the Election Inspector shall bundle all of the Association Election Materials plus tabulation sheets and the Election Inspector Report (if any) and keep those materials pursuant to Article VIII of the Election Rules.

(iii) Notify the Board. The Election Inspector shall immediately report the voting results to the Association’s Board of Directors. Upon receiving the Election Inspector’s oral report, the Board shall announce the results to the attending Members and cause the results to be recorded in the meeting minutes.

Section 5. Duties after the Tabulation.

(a) Prepare Election Inspector Report. The Election Inspector shall (must) prepare and sign an Election Inspector Report substantially similar to the Association’s approved Election Inspector report and provide a copy to the Association for its records. (*See* Exh. “E” - Election Inspector Report.) Any Election Inspector Report made by the Election Inspector is *prima facie* evidence of the facts stated in the report.

(b) Voting Materials. The Election Inspector shall bundle and maintain all Association Election Materials (including, but not limited to): **(i)** voided, unopened Voter Envelopes, **(ii)** opened Voter Envelopes; **(iii)** ‘marked’ Secret Ballot Envelopes returned without a ballot (if any); **(iv)** Ballots, **(v)** Voter List; **(vi)** proxies; and **(vii)** Candidate Registration List. In addition to the above Association Election Materials, the **(viii)** tabulation sheets; **(ix)** Election Inspector report(s); and **(x)** any and all other relevant materials used by the Election Inspector during the verification, envelope opening and/or tabulation process should also be maintained.

Pursuant to Civil Code §5125, the Election Inspector shall either: **(a)** maintain or **(b)** designate the Association as the location for maintaining the voting materials for at least the one (1) year statute of limitations period. (Civ. Code §5154 & Corp. Code §7527. See Article XI of the Election Rules.)

(c) Produce Voting Materials for Recount. The Election Inspector shall make the ballots available for inspection and review by a Member (or the Member's authorized representative) if a recount or other challenge to the election process has been made during the one (1) year statute of limitations period.

(d) Determine All Challenges. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote (whether raised before, during or after the meeting where the ballots were counted).

Section 6. Any & All Other Acts. Perform any and all acts as may be proper to conduct the election with fairness to all Members in accordance with Civil Code §5100 *et seq.*, (and the Corporations Code, and the Governing Documents, including the Election Rules) regarding the conduct of the election that are not in conflict with Civil Code §5100 *et seq.*,

Section 7. Background Information for Tabulation.

(a) Number of Members: The Association has three hundred twenty-eight (328) Members.

(b) Member Voting Power: Each Member entitled to cast one (1) vote on each matter.

(c) Voter Eligibility: Only persons who are Members at the date the ballots were mailed are eligible to vote.

(d) General Power of Attorney: If provided with a general power of attorney for a Member, you must provide that person with that Member's ballot and tabulate that ballot the same as any Member's.

(e) Quorums:

(i) Assessments: One hundred sixty-five (165) Members is a quorum for Assessment votes. (Civ. Code 5605.)

(ii) All Other Votes Except Election of Directors & Tax Resolutions: One hundred sixty-five (165) Members is a quorum for all other votes.

(iii) Election of Directors & Tax Resolutions: One hundred nine (109) Members is a quorum for Election of Directors & Tax Resolutions.

(iii) Drop Down: If the quorum in Subsection (ii), above, is not met and the vote is reconvened, the new lower quorum requirement is met with eighty-two (82) Members.

(f) Majority Vote: If the quorum is met, the matter passes if a majority of the voting Members vote "Yes" unless heightened approval is required. Generally, heightened approval is required when Members vote to amend the Association's Articles, Bylaws and/or CC&Rs. It is also required if the Association is dissolving under Corp. Code §8724 or when the Association votes on rebuilding after a fire or other major casualty

(g) Cumulative Voting: There is no cumulative voting under the Governing Documents.

(h) Proxies: Proxies are not allowed when the Association is voting by Mailed Ballot.

Exhibit "B"

**CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION
NOMINATION FORM – CANDIDATE FOR DIRECTOR**

Instructions: Any Member who wants to be a candidate for a Director on the Board of Directors must complete, sign and return this Nomination Form to the Association.

Deadline for Returning Nomination Form: _____ [date]

You must return this form by the above date in order to ensure that your name appears on the Mailed Ballot.

Candidate's Name: _____

Brief Description of the skills, qualifications and/or goals of the Candidate to assist the Members with their selection process: _____

Candidate's Declaration

I declare under penalty of perjury that:

- (1) I am a Member of the Association;
- (2) I want to run as a candidate for a position on the Board of Directors.
- (3) I am a Member in Good Standing and that I am current with the payment of Regular and Special Assessments due on any Unit I own within the Complex.
- (4)(A) I (and/or my family and/or any business that I have any ownership in) do not provide any goods and/or services to the Association or the Association's manager; -- **OR** –

(B) I (and/or my family or any business that I have ownership in) provide the following goods and/or services to either the Association or its manager: _____

_____ (if blank, you are declaring (4)(A), above).

By: _____
(Candidate must sign his/her name)

CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION

NOMINATION FORM – CANDIDATE FOR DIRECTOR

Contact Information (for Association's Use & Records)

Please also provide the additional contact information requested below, in case the Association needs to contact you concerning this nomination or other related matter.

Candidate's Address: _____

Home phone no.: (_____) _____

Work phone no.: (_____) _____

Email address: _____

The candidate's contact information will **not** be provided to the other Association members with the candidate statement.

Qualifications for Director Positions: Any Member seeking to run for a Director position at Contra Loma Estates Homeowners Association must: **(1)** be an Owner/Member as of the deadline for nomination; **(2)** be a Member in Good Standing (*i.e.*, current on regular and special assessments); **(3)** not have been convicted of a crime that would prevent fidelity bond coverage; **(4)** be a Member for at least one (1) year at the time of nomination; and **(5)** only one (1) Owner per Unit shall serve on the Board at any time.

Nomination Process

- 1) Any person who is a Member and meets the qualifications listed above has the right to self-nominate for a candidate on the Board of Directors.
- 2) As long as you complete and return this nomination form to the Association **by the deadline** and you are a qualified member, your name will appear as a candidate on the Mailed Ballot. Submission of a completed nomination form is the only method to nominate a candidate. **In order to ensure that your name is listed as a candidate on the Mailed Ballot for the upcoming election, the Association must receive your completed Nomination Form by the deadline.**
- 3) The address for returning this nomination form to the Association is: _____
- 4) If you have any questions or need any help with this Nomination Form, please contact the Association's manager.

Exhibit C

**CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION
SECRET WRITTEN BALLOT**

Deadline: Your ballot must be received by the Election Inspector by 5:00 PM on Wednesday, July 01, 2020.

DIRECTOR ELECTION:

The Association is electing five (5) Director(s). Each Director serves for a term of three (3) years. The five (5) candidate(s) who receive the most votes will be the newly elected Directors.

√ no more than five (5) box(es) TOTAL

<input type="checkbox"/> [Insert Name]	<input type="checkbox"/> [Insert Name]
<input type="checkbox"/> [Insert Name]	<input type="checkbox"/> [Insert Name]
<input type="checkbox"/> [Insert Name]	<input type="checkbox"/> [Insert Name]
<input type="checkbox"/> [Insert Name]	<input type="checkbox"/> [Insert Name]

The Association’s Governing Documents do not allow cumulative voting.

IRS RULING NO. 70-604:

MEMBER APPROVAL – IT IS RESOLVED, that if the Association has any excess of membership income (*i.e.*, operating funds) over membership expenses (*i.e.*, actual operating expenses) for the Association’s current tax year, the Association shall apply those excess operating funds against the subsequent tax year’s Member Assessments as provided by IRS Revenue Ruling 70-604.

√ only one (1) box

– **YES.** I(we) cast my/our vote **FOR** IRS 70-604 Resolution.

– **NO.** I(we) cast my/our vote **AGAINST** IRS 70-604 Resolution.

www._____. The Rules governing this election may be found here.

**PLEASE COMPLETE & RETURN THE ENTIRE BALLOT IN THE ENCLOSED ENVELOPES
TO ENSURE SECRECY DO NOT PLACE NAME OR ADDRESS ON THIS BALLOT**

CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION
SECRET WRITTEN BALLOT

Deadline: Your ballot must be received by the Election Inspector by **5:00 PM on Saturday, July 1, 2020**

ISSUE NO. 1:

MEMBER APPROVAL – [Enter issue members are to vote on here].

only one (1) box

- **YES.** I(we) cast my/our vote **FOR.**
- **NO.** I(we) cast my/our vote **AGAINST.**
- **ABSTAIN.** I (we) **ABSTAIN** from voting.

ISSUE NO. 2:

MEMBER APPROVAL – [Enter issue members are to vote on here].

only one (1) box

- **YES.** I(we) cast my/our vote **FOR.**
- **NO.** I(we) cast my/our vote **AGAINST.**
- **ABSTAIN.** I (we) **ABSTAIN** from voting.

PLEASE COMPLETE & RETURN THE ENTIRE BALLOT IN THE ENCLOSED ENVELOPES
TO ENSURE SECRECY DO NOT PLACE NAME OR ADDRESS ON THIS BALLOT

Exhibit D

Contra Loma Estates Homeowners Association

Voting Instructions for Mailed Ballots & FAQs

Please read these instructions carefully before marking and mailing your ballot.

1. The Association's Members are voting on 2 matters: (a) approval of the IRS rollover provisions under IRS Ruling 70-604; and (b) three (3) positions on the Board.
 2. Enclosed with these instructions is the Association's Official Ballot.
 3. Members may only vote on the pending election matters using the Association's Official Ballot.
 4. To vote on the Director position(s), place an "x" –or– "√" in no more than one (1) boxes located next to the candidate(s) of your choice.
 5. Cumulative voting is not allowed under the Association's Governing Documents.
 6. To vote on any other issue, place no more than one (1) "x" –or– "√" in the box next to your selection.
 7. If you check too many boxes (or if your mark is not clear), your ballot will not be valid and your vote will not be counted.
 8. To ensure the secrecy of your vote, do not place your name, signature, initials, address, Unit number and/or any other identifying information on the ballot.
 9. After you have finished voting, place your ballot into the envelope marked "Secret Ballot Envelope" and seal the "Secret Ballot Envelope". The ballot should be the only item in the sealed "Secret Ballot Envelope".
 10. To ensure the secrecy of your vote, do not place your name, signature, initials, address, Unit number and/or any other identifying information on the "Secret Ballot Envelope".
 11. Place the sealed "Secret Ballot Envelope" into the Voter Envelope addressed to the Election Inspector.
 12. In order to verify your right as a Member to vote, you MUST sign or print your name and your address must also appear in the upper left hand corner of the envelope addressed to the Election Inspector.
 13. You can mail (or deliver) this sealed envelope to the Election Inspector – at [Insert Address].
 14. ***POLLS CLOSE/DEADLINE:*** In order to ensure that your ballot is counted, the ballot (in a validly Signed Ballot Return Envelope) must be received by the Election Inspector by the close of the Polls on or before **5:00 PM on Wednesday, July 01, 2020.**
 15. Unless the Association continues the polling period, ballots received after **5:00 PM on Wednesday, July 01, 2020** are VOID and will not be counted.
 16. If the Election Inspector has received sufficient Ballot Return Envelopes to satisfy the Association's quorum requirements, the balloting deadline will not be continued and the ballots will be opened and tabulated at the next Board meeting on **Wednesday, July 01, 2020 starting at 5:00 PM.** As a Member, you are entitled to attend this meeting and observe the tabulation of the ballots.
 17. To satisfy the quorum requirements, at least 000 (i.e., 51% of the Members) of the Association's three hundred twenty-eight (328) Members must return ballots.
- [#. Delete if dont need -OR- To obtain Member approval, at least (of the Association's insert % Members must vote "YES" on insert item description.)]

FAQs [Frequently Asked Questions]:

1. Do I sign the ballot? **NO.** California law guarantees you and the other Members the right to a secret vote.

2. Must I sign the return envelope? **YES.** California law requires that you sign or print your name on this envelope (and that your Unit number or address is set forth in the upper left-hand corner of your Ballot Return Envelope) so that the Election Inspector can verify that only Members are allowed to vote in this election.
3. If I lose my ballot can I get a duplicate? **YES.** You will need to call [insert name of Election Inspector] at [insert telephone number] to request a duplicate ballot. You will need to sign a statement under penalty of perjury that your original ballot was lost, destroyed or stolen before you are entitled to receive a duplicate ballot.
4. Where is my proxy? Recent changes in California law require the Association to use Mailed Ballots for certain Member votes. When Members vote using a Mailed Ballot, proxies are not allowed.
5. Can I use proxies to gather votes from my neighbors? **NO.** Proxies are not allowed where Members are voting by Mailed Ballot. The Election Inspector will not be able to count any proxies received for this election. In order to ensure that your vote is counted you must use the Association's Official Ballot.
6. What happens if we don't get a quorum? Pursuant to the Election Rules, the Election Inspector will be counting the unopened Ballot Return Envelopes that were received before the close of the Polls. The Election Inspector will complete this count at least **4 day(s)** before the scheduled Association meeting and promptly provide the total to the Board. If the total is too low to satisfy the Association's quorum requirements for the election, the Association will leave all of the Ballot Return Envelopes unopened and continue the Close of the Polls to allow more Members to return their ballots.
7. If a Member's vote (other than a vote on Assessments) is continued, the reduced quorum provisions (*i.e.*, 25%) set forth in Section 5(b) of the Bylaws will apply.
8. Will the Association still be holding an Annual Member meeting? **NO.** In compliance with the provisions of Civil Code Section 5120, the Association does not plan on holding an Annual Member meeting. The Election Inspector will be opening and counting the ballots at the next Board meeting.
9. How are the votes counted? All Ballot Return Envelopes that were returned by Members entitled to vote and received by the Election Inspector before the polls close will be opened by the Election Inspector at the next Board meeting. The Election Inspector will remove and count the ballots from those Ballot Return Envelopes. The envelope opening and ballot counting process will be conducted in public and any Member can attend the meeting and observe the Election Inspector. While observing the Election Inspector, Members are prohibited from touching or handling any of the ballot materials (and/or otherwise interfering with the tabulation of the Members' vote(s)).
10. How will the Election Inspector determine who is elected to serve as our new Director(s)? Those candidates who are eligible to serve as a Director and who received the most votes will fill the vacant Director positions. If there is a tie for the final Director position, the candidates who are tied will draw straws to determine the winner of the final Director position.
11. How do I find out the election results? The Association will be providing election results as follows: (A) if you attend the Association meeting where the ballots are tabulated, the Board will be announcing the election results after the Election Inspector finishes tabulating the votes; and (B) the Association will be mailing every Member the election results within fifteen (15) days of the Association meeting where the ballots are opened and counted.
12. Why do we need to approve the IRS Rollover provision every year? In order to avoid paying taxes on any surplus in the Association's operating funds, the IRS requires that before the Association's tax year ends the Association's Members must approve the IRS Rollover Resolution for that year. Failure to approve the IRS Rollover Resolution could make us pay more taxes than we need to pay.

Exhibit E

CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION ELECTION INSPECTOR REPORT

The Undersigned, being the duly appointed Election Inspector(s) for the Member vote by Mailed Ballot in which the Polls closed at 5:00 PM on Wednesday, July 01, 2020 and reports as follows:

1. The Board of Directors appointed the undersigned as Election Inspectors in compliance with Contra Loma Estates' Governing Documents, Civil Code §5110 and Corporations Code 7614 on Wednesday, July 01, 2020.
2. Pursuant to the affidavit of mailing completed by [insert name], the Ballot Packets (consisting of the following: [(a) the Secret Ballot; (b) the Secret Ballot Envelope; (c) the Ballot Return Envelope; (d) Nomination Forms for # candidates; and (e) the Voting Instructions]) were placed in the Ballot Packet Envelopes, sealed and affixed with sufficient postage for first class delivery and addressed to all three hundred twenty-eight (328) Members. The Ballot Packets were placed in the mail on Saturday, July 01, 2006.
3. There are 2 items on the Ballot:[change or modify as needed] (a) The election of three (3) Directors; and (b) approval of the IRS rollover. Pursuant to the Governing Documents, [change or modify as needed] both items are to be decided by the majority of a quorum of the Members.
4. As set forth in the Ballot Packet materials, the Polls were scheduled to close as of 5:00 PM on Wednesday, July 01, 2020 and the Ballot Returned Envelopes were scheduled to be opened (and the ballots counted) at the Board meeting starting 5:00 PM on Wednesday, July 01, 2020.
5. On Wednesday, July 01, 2020, I received a Voter List from the Association. At that time, I also confirmed that the quorum requirement for this Member vote was **000 (i.e., 51% of the Members)**.
6. On Saturday, July 1, 2020 (*date*), I collected the Ballot Return Envelopes 0 (*number*) (total) and verified the signatures and addresses in the upper-left hand corner of those envelopes. Of those 0 (*number*), I was able to verify 0 (*number*) as valid Ballot Return Envelopes/Ballots. I marked the other 0 (*number*) Ballot Return Envelopes "VOID" after I was unable to confirm names or addresses due to lack of any identifying information on any of the envelopes.
7. In compliance with Contra Loma Estates' Election Rules, I contacted the Board to confirm that the quorum requirement for the Member vote had been satisfied. At that time, I was advised that the Board would proceed with the ballot tabulation as scheduled at the Board meeting on Saturday, July 1, 2020 (*date*).
8. On Saturday, July 1, 2020 (*date*) and after the Board meeting had been called to order, I/we proceeded to open the envelopes and tabulate the votes following the step-by-step procedure outlined in the Election Rules. The opening of the envelopes and the tabulation of votes was done in public and was observed by those candidates and/or members present.
9. Election Results:
 - A. 0 Ballot Return Envelopes timely received.
 - B. 0 Ballot Return Envelopes "VOIDED" due to no identifying information.
 - C. 0 Ballot Return Envelopes & Secret Ballot Envelopes opened.
 - D. 0 Secret Ballot Envelopes contained no ballot (noted on the Secret Ballot Envelope).
 - E. Of the 0 Ballots, 0 Members voted "YES" on the IRS Rollover.
 - F. Results of Other Votes: [Insert vote results for any other matters) -OR- Not Applicable].

G. The Breakdown for Candidates was

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

0 votes for [insert candidate name]

H. The one (1) new Director(s) is/are: [insert name(s)].

10. I then provided the voting results to the Board. At which time, the Board reported the results to the Members attending the Board Meeting and caused the vote results to be recorded in the minutes.

11. I separately bundled the voting materials and then assembled all voting materials, including three tally sheets and placed all voting materials in a sealed enveloped.

12. Later, on Saturday, July 01, 2020 (date) at 5:00 p.m. (time), I returned to the post office to collect any late ballots. There was/were 0 (number) Ballot Return Envelope(s). I left that/those envelope(s) sealed and marked it "VOID-arrived after Polls Closed" and placed it with the other voting materials.

13. On Saturday, July 01, 2020 (date) at 5:00 p.m. (time), I completed this report and affirm that the information set forth in this Report is true and correct. The Undersigned further assert that if three (3) Election Inspectors were appointed that the above information represents the decisions agreed upon by at least two (2) of the Election Inspectors.

Date: _____

By: _____

(Signature of Election Inspector #1)

Print Name: _____

Date: _____

By: _____

(Signature of Election Inspector #2)

Print Name: _____

Date: _____

By: _____

(Signature of Election Inspector #3)

Print Name: _____

If three (3) Election Inspectors are appointed, at least two (2) must sign this Election Inspector Report.