

Kirkwood Meadows Association
Election Rules

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Kirkwood Meadows Association

Election Rules

These Election Rules are “operating rules” within the meaning of Civil Code section 4340. These Election Rules shall be interpreted and applied in conjunction with all other KMA governing documents and operating rules.

Section 1. Equal Access.

(a) Any candidate or member advocating a point of view shall be provided access to association media, newsletters, or internet websites 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. The association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the association, is responsible for that content.

(b) All candidates, including those who are not incumbents, and all members advocating a point of view, including those not endorsed by the board, shall have equal access to the common area meeting space during a campaign, at no cost, for purposes reasonably related to the election.

Section 2. Director Candidate Qualifications.

(a) Candidates for the board shall be owners of lots.

(b) The association shall disqualify a person from nomination as a candidate for not being a member of the association at the time of nomination.

(c) Only one owner per lot shall be eligible to serve on the board at any time.

(d) 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 purposes of these Election Rules.

(e) Any member may nominate themselves for election to the board.

(f) A nominee for a board seat, and a director during their board tenure, shall be current in the payment of regular and special assessments. The association may not disqualify a person for nonpayment of fines, fines renamed as assessments, collection charges, late , or costs levied by a third party.

(g) Notwithstanding subdivision (f) above, a member who is not current in the payment of a regular or special individual assessment may still become a candidate if any of the following circumstances is true:

(i) the member has paid the assessment under protest pursuant to Civil Code section 5658,

(ii) the member has entered into a payment plan pursuant to Civil Code section 5665, or

(iii) the member has not been provided the opportunity to engage in internal dispute resolution pursuant to Civil Code section 5900 et. seq.

Section 3. Procedures for Nomination of Director Candidates.

All nominations must be received by the association by 12:00am (midnight) on April 14th. Nominations must be sent via email or mail to the email or physical address specified in the Notice of KMA Director Nomination Procedures and Deadline that will be sent to all members prior to the nomination deadline each year. Nominations from the floor of membership meetings are not permitted.

Section 4. Voting Power of Each Membership.

On each matter submitted to a vote of the members, each member shall be entitled to cast one vote for each lot owned by such member. Single memberships in which two or more persons have a joint interest shall be counted as one vote.

Section 5. Proxies Generally.

“Proxy” means one member gives another member (the “proxy holder”) the power to vote on his/her behalf, by written authorization signed by the member conferring his/her power to vote. The proxy holder must be a member. Any member entitled to vote may do so either in person or by one or more agents authorized by a written proxy signed by the member and filed with the secretary of the association.

Section 6. Voting Period for Elections.

Information regarding the period for elections, including the dates and times at which the polls open and close will be included with the ballots. In order for a vote to count, the ballot must be received by the date and time specified.

Section 7. Selecting the Inspector of Elections.

The board shall select an independent third party or parties to serve as the inspector(s) of election. The number of inspectors of election shall be one (1) or three (3). The inspector(s) of election may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspector(s) inspectors deem appropriate, provided that the persons are independent third parties.

Section 8. Retention of Association Election Materials.

The association shall retain, as association election materials, both a candidate registration list and a voter list. The voter list shall include 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. The association shall permit members to verify the accuracy of their individual information on both lists at least 30 days before the ballots are distributed. The association or member shall report any errors or omissions to either list to the inspector or inspectors who shall make the corrections within two business days.

Section 9. Distribution of Ballots and Election Rules.

Thirty (30) days before an election, the inspector of elections shall deliver, or cause to be delivered, to each member both of the following documents:

- (a) The ballot(s) (either paper or electronic, depending on the member's chosen voting method), and
- (b) A copy of the election operating rules.

Delivery of the election operating rules may be accomplished by either of the following methods:

- (a) Posting the election operating rules to an internet website and including the corresponding internet website address on the ballot together with the phrase, in at least 12-point font:
"The rules governing this election may be found here: [insert website address]", or
- (b) Individual delivery.

For members who have opted to vote electronically:

- (a) The ballot will be delivered via a secure electronic voting platform.
- (b) Each voter will receive unique login credentials to access and submit their electronic ballot.
- (c) Electronic ballots must be cast within the designated election period, as specified in the ballot instructions.
- (d) The electronic voting system must comply with all security and confidentiality requirements under California law.

For members who have opted for paper ballots:

Ballots shall be mailed or delivered physically to the member's address on record.

All voting results, whether electronic or paper, shall be tabulated in compliance with applicable election laws and announced at an open Board meeting.

Section 10. Eligibility to Vote.

No member shall be denied a ballot for any reason other than not being a member at the time when ballots are distributed.

Section 11. Person with General Power of Attorney for Member.

A person with general power of attorney for a member shall be eligible to receive a ballot, and the ballot shall be counted if returned in a timely manner.

Section 12. Electronic Voting.

(a) KMA may elect to conduct any election by electronic secret ballot, except for an election regarding regular or special assessments.

(b) Members who have provided an email address to KMA will be automatically enrolled in electronic voting. Members who have not provided an email address to KMA and those who have opted out of electronic voting will be provided a paper ballot. Any member can change their preferred method of voting no later than 90 days before an election, however any member who wishes to opt into electronic voting must provide KMA a valid email address.

(c) The electronic secret ballot and written ballot will contain the same list of items being voted on.

(d) KMA will maintain a voting list identifying which members will vote by electronic secret ballot and which members will vote by written ballot.

(e) KMA will include information regarding its procedures to opt out of or opt into voting by electronic secret ballot in its annual statement and at least 30 days before the deadline to opt out of voting by electronic ballot.

Section 13. Amendment of Election Rules.

These Election Rules shall not be amended less than ninety (90) days prior to an election.