



Oceanside Community Association
 550 Vista Bella, Oceanside CA 92057
 760-757-3937 Phone
 760-757-8177 Fax
 www.oceanaseniors.org
 Email: aeffinger@ocaoffice.org

**INTENT TO RUN
 NOMINEE FOR THE 2023 ELECTION OF BOARD OF DIRECTORS**

DEADLINE: The Intent to Run and Statement of Understanding must be received by the Nominating Committee by no later than December 22, 2022 at 5:00 p.m..

Member _____ Unit _____ House # _____
 Email _____ Phone (_____) _____

Please review the Intent to Run packet which includes:

- Intent to Run (must be signed and submitted with Statement of Understanding and Agreement)
- Statement of Understanding and Agreement (must be signed and submitted with Intent to Run)
- Board of Directors' Code of Conduct (must be signed when elected)
- Candidate Calendar and Procedures
- Election Rules

QUALIFICATIONS: By signing below, you verify that you meet the qualifications as outlined in the Election Rules and set forth more particularly as follows:

- * Candidates must be members of the Association. Any Member that is not a natural person (such as a corporate Member or trust) may appoint a natural person to be a candidate on its behalf.
- * Only one Owner per Lot or Unit shall be eligible to serve on the Board at any time.
- * No Member shall be nominated for election to the Board of Directors, nor permitted to run for election, if he or she is more than thirty (30) days past due in the payment of any assessment. The failure to comply with this section shall in no way invalidate the election of other candidates who were in compliance with this section.
- * Criminal Conviction. A past criminal conviction that would either prevent the association from purchasing the fidelity bond coverage required by Section 5806 should the person be elected or terminate the association's existing fidelity bond coverage as to that person should the person be elected. (Civ. Code § 5105(c)(4).)

Nominee Signature _____ Date ____/____/____

Submit completed forms no later than December 22, 2022 by 5:00 p.m. to Amber Effinger at aeffinger@ocaoffice.org; or, they may be dropped off at the OCA Office at 550 Vista Bella, Oceanside, CA 92057

OFFICE USE	____/____/____	Intent to Run application
	____/____/____	Statement of Understanding and Agreement
	Received by _____	
	Qualifications approved/denied ____/____/____ by _____	
	Reason for disqualification _____	
	Nominee notified those qualifications are met ____/____/____ by _____	



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**STATEMENT OF UNDERSTANDING AND AGREEMENT
NOMINEE FOR THE 2023 ELECTION OF BOARD OF DIRECTORS**

Member _____ Unit _____ House # _____

Email _____ Phone (_____) _____

Upon my election to the Board of Directors of Oceanside Community Association ("OCA"), I understand and agree as follows:

I agree to attend the monthly general board meetings and executive sessions.

I agree to attend and be the liaison to a minimum of three committees.

I agree to sign the Board of Directors' Code of Conduct.

I agree to maintain a professional demeanor at all meetings and activities of OCA.

I agree to make decisions based upon the best interest of every OCA homeowner.

I agree to be open and fair by putting all personal issues aside.

I agree to consult and abide by all regulations and laws, including Federal laws, State laws, the City of Oceanside ordinances and OCA's governing documents including the Bylaws, CC&Rs, Members' Handbook and policies.

I agree to complete the HOA training for board members, within 3 months after elected, and continue to advance my knowledge of association operations and responsibilities.

I agree to the duties and responsibilities as a member of the Board of Directors.

Signature _____

Date ____/____/____

**OCEANSIDE COMMUNITY ASSOCIATION
BOARD OF DIRECTORS
CODE OF CONDUCT**

Adopted on 4/27/22

WHEREAS, the Board of Directors (“Board”) of Oceanside Community Association (“Association”) has the authority and responsibility to make decisions for the benefit of the entire community, and

WHEREAS, the Board wishes to ensure that it and its individual members (“Director”) maintain a high standard of ethical conduct in the performance of the Association’s business, and to ensure that the Association’s members maintain confidence in and respect for the entire Board,

NOW, THEREFORE, BE IT RESOLVED THAT the Board of the Association hereby adopts the following rules of conduct, standards of behavior, ethical rules and enforcement procedures that are applicable to all members of the Board:

1. GOVERNING DOCUMENTS AND THE LAW: Directors shall set high standards for themselves as Association members and comply with governing documents and relevant law. Directors shall use their best efforts at all times to make reasonable decisions that are consistent with the Bylaws, CC&Rs and other governing documents of the Association and to be familiar with all such documents. Directors shall:

- a) refrain from discriminating against any person on the basis of race, color, religion, national origin, gender identity, sexual orientation, family status or mental or physical disability.
- b) act in accordance with Board decisions and shall not act unilaterally or contrary to the Board’s decisions. Toward that end, no Director shall seek to have a contract implemented that has not been duly approved by the Board, nor promise anything not approved by the Board to any contractor, supplier, or otherwise.

2. PRIVATE GAIN: Directors shall serve for the benefit of the entire community, and shall, at all times, strive to do what is best for the Association as a whole. Directors shall not use their positions as such for private gain. The following list of examples is offered for illustration purposes only and is not intended to be exclusive. No Director shall:

- a) solicit or accept, directly or individually, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from a person who is seeking a contractual or other business or financial relationship with the Association.
- b) seek preferential treatment by the board, any of its committees, or any contractors or suppliers.
- c) accept a gift or favor made with the intent of influencing a decision or action on any official matter.
- d) receive any compensation from the Association for serving on the Board.
- e) willingly misrepresent facts to advance a personal cause or influence the community to advance a personal cause.
- f) use his/her position to enhance his/her financial status through the use of certain contractors or suppliers.

3. OPEN MEETING ACT: The Board shall not take action on any item of business outside of a board meeting as defined as a gathering of a quorum of Directors at the same time and place to "hear, discuss, or deliberate upon any item of business that is within the authority of the board." Directors must confine their discussion of board business to noticed meetings of the board.

- a) **Allowed Meetings:** Directors can meet and participate in person at a physical location, by telephone or video conference.
- b) **Disallowed meetings:** Directors cannot use unanimous written consents without a meeting, email meetings except for conducting emergency meetings or attempt to avoid open meetings by using chain or wheel hub meetings.
- c) **Exceptions:** A majority of Directors can gather for the following purposes provided they do not discuss board business among themselves including:
 - i. A conference or similar gathering open to the public.
 - ii. An open and publicized meeting organized to address a topic of state concern.
 - iii. A purely social or ceremonial occasion.
 - iv. An open and noticed committee meeting, provided Directors who are not members of the committee attend only as observers.

4. PROPER DECORUM: Directors are obligated to act with proper decorum. Although they may disagree with the opinions of others on the Board, they must act with respect and dignity and not make personal attacks on others. Accordingly, Directors must focus on issues, not personalities and conduct themselves with courtesy toward each other and toward residents, employees, managing agents, vendors and Association members. The Association shall deem any Director who defames, harasses, threatens or otherwise attempts to intimidate, whether verbally, physically or otherwise, to be acting outside the scope of their authority as a Director.

5. CONFIDENTIAL INFORMATION: Directors are responsible for protecting the Association's confidential information. As such they may not use confidential information for the benefit of themselves or their relatives. Except when disclosure is duly authorized or legally mandated, no Director may disclose confidential information. Directors may not discuss such matters with persons not on the Board. Failure to follow these restrictions could constitute a breach of the attorney-client privilege and loss of confidential information. All communications occurring during an executive meeting are deemed confidential. Confidential information includes, without limitation:

- a) private personal information of fellow Directors,
- b) private personnel information of the Association's employees,
- c) disciplinary actions against members of the Association,
- d) assessment collection information against members of the Association, and
- e) legal disputes in which the Association is or may be involved.

6. CONFLICT OF INTEREST: Situations may arise that are not expressly covered by this policy or where the proper course of action is unclear. Directors should immediately raise such situations with the Board. If appropriate, the Director will seek guidance from the Association's legal counsel. Directors must:

- a) immediately disclose any perceived or potential existence of a conflict of interest, whether their own or others.

- b) withdraw from participation in decisions in which they have a direct personal or pecuniary interest not common to other members of the board.

7. COMMUNICATIONS: All Director use of electronic mail, text or telephone to conduct Association business is subject to the following:

- a) **Telephone/Text Messaging:** Association business may be conducted via text messaging and telephone.
- b) **Email:** Electronic mail is preferred as the primary communication tool for conducting Association business because it facilitates the Association's recordkeeping requirements. Directors are encouraged to exclusively use a single email address for OCA board business. Directors are allowed to exchange emails under the following conditions:
 - i. Emergency meeting defined as "circumstances that could not have been reasonably foreseen which require immediate attention and possible action by the board, and which of necessity make it impracticable to provide notice" to the membership.
 - ii. Fewer than a majority of Directors may discuss or comment on an item of business so long as the email exchange does not become a "series" of emails involving a majority of the Board.
 - iii. Administrative issues including setting dates and times for meetings and requesting that items be placed on the agenda, and
 - iv. Informational emails in which Directors can receive information, vendor reports, notice of educational events, status of repairs, interim financial statements, etc. as long as Directors wait to discuss the information at their board meeting.

8. MANAGEMENT: To ensure efficient management operations, avoid conflicting instructions from the Board to management and avoid potential liability, Directors shall observe the following guidelines:

- a) The President shall serve as liaison between the Board and management and provide direction on day-to-day matters.
- b) Except for the President or President's designee, Directors may not give direction to management, employees or vendors.
- c) Directors may not contact management after hours unless there is an emergency representing a threat of harm to persons or property.
- d) If a Director is contacted by an employee with complaints, the employee shall be instructed to contact management or the Board as a whole.
- e) No Director may threaten or retaliate against an employee who brings information to the Board regarding improper actions of a Director.

9. MISREPRESENTATION: Directors may not knowingly misrepresent facts. All Association data, records and reports must be accurate and truthful and prepared in a proper manner.

10. VIOLATIONS: Directors who violate the Association's Code of Conduct policy are deemed to be acting outside the course and scope of their authority.

- a) An investigation of the violation of the Code of Conduct shall be brought to the Hearing Board, which shall be comprised of designated Directors. In addition, the Board may elect, as its sole discretion, to appoint as Advisory Hearing Directors, other Directors, as well as the Association attorney, General Manager and/or accountant. The committee shall review the evidence of violation, endeavor to meet with the Director believed to be in violation, confer with the Association's legal counsel and present its findings and recommendations to the Board for appropriate action. The Board shall endeavor to meet with the Director in executive session prior to imposing disciplinary action against that person.

- b) Any Director who violates this Code of Conduct agrees that the Board may seek injunctive relief against him/her, following a hearing before the Hearing Board, unless circumstances necessitate the issuance of injunctive relief prior to such hearing. The Director also agrees that the Board shall be relieved of posting bond as a condition to its injunctive remedy. Such Directors must pay the attorney's fees incurred by the Board in any enforcement effort.

- c) Anyone in violation of this policy may be subject to disciplinary action, including, but not limited to:
 - i. censure,
 - ii. removal from committees,
 - iii. removal as an officer of the Board,
 - iv. request for resignation from the Board,
 - v. recall by the membership, and
 - vi. legal proceedings.

Signature _____ Date ____/____/____

Director of the Oceanside Community Association

OCEANSIDE COMMUNITY ASSOCIATION NOMINATING COMMITTEE PROCEDURES

Draft 4/16/22

II. NOMINATING PROCEDURES

(1) Responsibilities

Chairs of Committees and Clubs provide potential Nominating Committee member names to the BoD and assist the committee with identifying potential Nominees.

Board of Directors adopts the Election Rules and approves the members of the Nominating Committee.

Nominating Committee identifies and endorses quality board Nominees, conducts all communication with Nominees, assists Candidates in the election process and introduces Candidates to the community.

OCA Management notifies Membership of Annual Meeting with announcement of board vacancies and general election timeline. Coordinates with and provides support to the Nominating Committee as needed.

Inspector of Elections provides a draft of the ballot and election materials to the Nominating Committee a minimum of five days prior to mailing.

(2) Nominating Committee

The committee members will:

- A. Select Chairperson and Secretary during the organizational meeting.
- B. Review the adopted Election Rules, Nominating Committee charter and procedures, including Election Calendar.
- C. Create Candidate Calendar and Procedures in coordination with the OCA office to establish deadlines and events using the Davis-Stirling Timeline Calculator.
- D. Approve the Intent to Run packet prior to distribution and posting on the website. The Intent to Run packet shall include:
 1. the most recent, adopted Election Rules
 2. an Intent to Run application
 3. a Statement of Understanding and Agreement

4. Board of Directors' Code of Conduct
5. Candidate Calendar and Procedures.
- E. Solicit qualified Nominees through e-blasts, flyers, activities and website.
- F. Hold a Town Hall for potential nominees can learn about what running for the Board means so they can learn before submitting their Intent to Run application.
- G. Review the Nominees' Intent to Run forms to determine completeness and clarity.
- H. Within three business days of receipt, forward the name of the Nominee to the OCA office to determine if the Nominee is qualified as outlined in the adopted Election Rules.
- I. Communicate with Nominees
 1. Email an acknowledgement of the application upon receipt.
 2. Within seven business days, notify the Nominee if they met qualifications.
 3. If the Nominee is not qualified, notify of right to appeal the disqualification.
 4. Provide an internal dispute resolution (IDR) hearing within 5-15 days.
 5. Once nominations close, conduct an orientation for the Candidates to review the election process and meet one another.
 6. Any questions from the Candidates during the election process.
- J. Promote Candidates through publications and the website.
 1. Hilltop Highlights
 2. Candidate Forum packets
 3. Candidate Statements to accompany ballots
 4. Invite Candidates to display handouts in the Clubhouse.
- K. Facilitate Candidate forums.
- L. Coordinate with the Inspector of Elections to provide Candidate statements.

(3) OCA Management Duties

The office will:

- A. Notify Membership of search for Nominating Committee members, nomination procedures and deadlines.
- B. Provide committee members access to the committee's email address, nominatingcmt@ocaoffice.org.
- C. Determine if any Nominees must be disqualified, including those who self-nominate.
- D. Coordinate with the Nominating Committee including:
 1. assist in the creation of a Candidate Calendar as it relates to event scheduling, website updates, and printed materials.

2. set aside an area in the Clubhouse for Candidate flyers
3. assist in the production of Candidate publications and meeting agendas.

(4) Nominees / Candidates

In order to be promoted by the Nominating Committee in Candidate Forums and publications, the Nominee must:

1. Complete and sign the:
 - a. Intent to Run application
 - b. Statement of Understanding and Agreement
2. Submit the forms to the Nominating Committee by the close of nominations date published in the Election Calendar. If emailed, the forms must be attached by the published date. If mailed, the forms must be postmarked by the published date.

(5) Candidate Publications

The Nominating Committee members will coordinate with the OCA office to determine size and format of the Candidate statements and photos.

Candidate information including profiles and ballot statements will remain the work product of the Candidate. Committee members and OCA staff may advise, but not edit or revise.

The Nominating Committee will send one reminder email one week prior to a deadline.

In order to be included in publications, Candidates must meet the deadlines as published in the Candidate Calendar and provide materials according to the publication specifications.

1. *Hilltop Highlights* - maximum 150-word profile and a headshot photo as per specifications.
2. Candidate Forum - maximum 150-word profile and a headshot photo as per specifications.
3. Ballot mailing - one-page pdf including the statement and headshot as per specification.

Candidates may display a one-page personal Candidate information sheet in the designated election area in the Clubhouse up to 60 days prior to the election.

(7) Candidate Forums

The forums will introduce the Candidates to the Community.

- A. The committee members will choose a Moderator and Timekeeper.
- B. The committee will determine the format for each Candidate Forum.
- C. The Nominating Committee will solicit questions from the Membership via e-blast. Questions will be directed to the Nominating Committee email address (new).
- D. One week prior to each forum, the Moderator will communicate the format of the upcoming forum to the Candidates.
- E. At least two days prior to each forum, the Moderator shall provide the question topics to be explored at the forum.
- F. Ask questions that allow the candidates to explain their answer in the time allotted for each candidate – i.e. no yes/no questions.
- G. Forums will be recorded by OCA-TV and Zoom. The recordings will be available on the OCA website for 14 days after the election.

(8) Election / BoD Organizational Meeting

Five days prior to the annual election, the Nominating Committee will inform Candidates that, if elected,

- A. the winners will be seated at the table for the Organization Meeting immediately after the election results are announced.
- B. they are required to agree to and sign the Board of Directors' Code of Conduct at the Organizational Meeting.

(9) Evaluation

The Nominating Committee members will participate in a post-election evaluation and submit suggestions for improvement of the Nominating Committee procedures in a report to the Board.

OCEANSIDE COMMUNITY ASSOCIATION

ELECTION RULES & PROCEDURES

ATTENTION: INSPECTOR OF ELECTIONS

CAMPAIGN FUNDING

- (1) Association funds shall not be used for campaign purposes in connection with any Association Board election. Funds of the Association shall not be used for campaign purposes in connection with any other Association election except to the extent necessary to comply with duties of the Association imposed by law.
- (2) For the purposes of this section “campaign purposes” include, but are not limited to the following:
 - (a) Expressly advocating the election or defeat of any candidate who is on the Association election ballot.
 - (b) Including the photograph or prominently featuring the name of any candidate on a communication from the Association of its Board of Directors, excepting the ballot and ballot materials, within 30 days of an election. This is not a campaign purpose if the communication is one for which subdivision (a) of Section 5105 requires that equal access be provided to another candidate or advocate.

NOMINATING PROCEDURES

- (1) Qualifications for candidates to the Board of Directors shall include:
 - (a) Candidates must be members of the Association. Any Member that is not a natural person (such as a corporate Member or trust) may appoint a natural person to be a candidate on its behalf.

(b) Only one Owner per Lot or Unit shall be eligible to serve on the Board at any time.

(c) No Member shall be nominated for election to the Board of Directors, nor permitted to run for election, if he or she is more than thirty (30) days past due in the payment of any assessment. The failure to comply with this section shall in no way invalidate the election of other candidates who were in compliance with this section.

(2) At least thirty (30) days prior to the deadline for submission of candidacy nominations, the Association shall provide via general notice the procedures and deadline for submitting a candidacy nomination. The procedure may include, but is not limited to the following:

(a) Each candidate for a vacancy on the Board of Directors is requested to complete, sign and return to the Nominating Committee an application form with biographical information for delivery with the election ballots; and

(b) A statement of understanding and agreement form to signify availability and commitment to serve, consult Governing Documents and abide by current laws, if elected.

Such forms shall be approved by the Board and made available in the Association Office.

(2) Voting

(a) Voting Rights – No Member shall be denied a ballot, unless the Board adopts a voting cut-off date and an individual was not a Member of Record as of that date. Each Member shall be entitled to one (1) vote. No Member, regardless of the number of Lots or Units owned, shall be entitled to more than one (1) vote except as the holder of proxies from other Members. In any

vote to elect or remove Directors of the Association, each Member shall be entitled to one (1) vote for each Director to be elected or removed. In the case of a vote on other issues, each Member shall have one vote for each issue presented. In the event that voting on an issue is conducted by mail, the written ballot shall conform with the provisions of Section 7513 of the California Corporations Code and Article IV Section 5 of the Association's Bylaws. Cumulative Voting is not allowed.

(b) Joint Fee Interest –Ownership of a Lot or Unit shall give rise to a single membership vote in the Association. Accordingly, if more than one (1) person owns a Lot or Unit, all of those persons shall be deemed to be one (1) Member for voting purposes. The ballot received from any Member of record shall be deemed to be the ballot attributable to the Lot in question. If more than one vote is received from a single Lot or Unit, the first vote received shall be conclusively presumed to be the vote of all such persons.

(c) Voting Cut Off Date - The Board may, but is not required to, set the date the ballots are mailed or otherwise delivered as the “voting cut-off date” to establish membership status for voting. Every Member of record shall have the right to vote, unless the Board adopts the voting cut-off date and an individual was not a Member of Record as of that date.

(d) Loss of Ballot – If a Member loses his/her ballot prior to the annual meeting, the Member may request another ballot, along with the appropriate envelopes from the Inspector(s) of Election, but they must sign a statement, under penalty of perjury that the original ballot was either lost, destroyed or never received. The Inspector(s) of Election shall maintain a record of each request and, if it is determined that the Member voted twice, even by mistake, the Inspector(s) of Elections shall determine whether or not to count the first ballots received from the Member

(e) Secrecy of Ballots – A Member who signs or otherwise marks his/her ballot with an identifying mark, waives his/her right to secrecy. The Association is not responsible for

removing or redacting personal information that is added to the ballots by the Member.

(f) Voting Period – The voting period will commence when the ballots are sent to the Members and will close 2 hours after commencement of the annual meeting, or any adjournment thereof, or the final collection of ballots for counting, whichever occurs first.

QUORUM

- (1) A quorum shall be required only if so stated in the Governing Documents of the Association or other provisions of law. If a quorum is required by the Governing Documents, each ballot received by the inspector(s) of election shall be treated as a Member present at a meeting for purposes of establishing a quorum.
- (2) If a quorum is present, the affirmative vote of the majority of the Members represented at the meeting, entitled to vote and voting on any matter (other than the election of Directors) shall be the act of the Members, unless the vote of a greater number is required by California law or by the Governing Documents. In the case of Director elections, the candidates receiving the highest number of votes shall be elected to the vacant Director positions.

INSPECTOR(S) OF ELECTION

- (1) The Board shall appoint either one (1) or three (3) independent third parties as Inspector(s) of Election. The Inspector(s) of Election should be selected by the Association at least 90 days prior to the date of meeting at which ballots will be tabulated.
- (2) For purposes of this section, an independent third party includes, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensee of the California Board of Accountancy, or a notary public. An independent third party may be a Member of the Association, but may not be a member of the Board of Directors or a candidate for the Board of

Directors or related to a member of the Board of Directors or candidate for the Board of Directors. An independent third party may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the Association for any compensable services.

- (3) The Inspector or Inspector(s) of Election shall do all of the following:
 - (a) Determine the number of memberships entitled to vote and the voting power of each.
 - (b) Determine the authenticity, validity, and effect of proxies, if any.
 - (c) Receive ballots and/or determine a location where ballots are to be delivered.
 - (d) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
 - (e) Count and tabulate all votes.
 - (f) Determine when the polls shall close, consistent with the governing documents.
 - (g) Determine the tabulated results of the election.
 - (h) Perform any acts as may be proper to conduct the election with fairness to all members in accordance with this section, California law, and all applicable rules of the association regarding the conduct of the election that are not in conflict with this section.
- (4) An Inspector of Election shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical, and in a manner that protects the interest of all members of the Association. If there are three (3) Inspectors of Election, the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report

made by the Inspector(s) of Election is prima facie evidence of the facts stated in the report.

- (5) The Board of Directors may remove and replace any Inspector of Election prior to the tabulation of votes if an Inspector resigns or if the Board reasonably determines that an Inspector will not be able to perform his or her duties impartially and in good faith.
- (6) The Inspector(s) of Election shall have the power to appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector(s) deem appropriate, provided that the persons are independent third parties.

SECRET BALLOTS & ELECTION PROCEDURES

- (1) At least thirty (30) days prior to the deadline for submission of candidacy nomination, the Association shall provide via general notice the procedures and deadline for submitting a candidacy nomination.
- (2) After the deadline for submission of candidacy nominations, and at least thirty (30) days prior to the mailing of ballots, the Association shall prepare the candidacy registration list and voter list, which shall consist of the following:
 - (a) A candidate registration list showing the names of all candidates that will appear on the ballot; and
 - (b) A voter list which includes the name, voting power, mailing address, and separate interest address or parcel number for each member.
- (3) At least thirty (30) days prior to the mailing of ballots, the Association shall provide via general notice:
 - (a) The date, time, and physical location for the return of ballots;
 - (b) The date, time, and location of meeting; and

- (c) The names of all candidates' names that will appear on the ballot.
- (4) No Member shall be denied a ballot, unless they were not a Member at the time the ballots were distributed.
 - (a) No person who holds a valid general power of attorney for a Member shall be denied a ballot, if requested.
 - (b) A ballot cast by a person who holds a valid general power of attorney for a Member, shall be counted if received timely by the Inspector(s) of Elections.
 - (c) A person who becomes a Member after the ballots were distributed may request a ballot if the previous owner of that separate interest did not return a ballot in that election.
- (5) 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. Additionally, the Association shall make available Election Operating Rules via one of the following methods:
 - (a) By mail with the ballots; or
 - (b) By posting to a website and including the corresponding website address on the ballot together with the phrase "The rules governing this election may be found here:..." in at least 12-point font.
- (6) In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel, or unit number on the ballot. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of voter absentee ballots, or as provided under California law, including all of the following:

- (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 shall sign his or her name, indicate his or her name, and indicate the address or separate interest identifier that entitles him or her to vote.
- (b) The second envelope is addressed to the Inspector(s) of Election, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the Inspector(s) of Election. The Member may request a receipt for delivery.
- (7) All votes shall be counted and tabulated by the Inspector(s) of Election or his/ her designee in public at a properly noticed open meeting of the Board of Directors or Members. 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. The Inspector of Election, or his/her designee, may verify the Member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated. Once a secret ballot is received by the Inspector of Elections, it shall be irrevocable.
- (8) The tabulated 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 15 days of the election, the Board shall publicize the tabulated results of the election in a communication directed to all Members.
- (9) The sealed ballots, signed voter envelopes, the voter list, and candidate registration list shall at all times be in the custody of the Inspector(s) of Election or at a location designated by the Inspector(s) until after the tabulation of the vote, and until the time allowed by Section 7527 of the Corporations Code for

challenging the election has expired, at which time custody shall be transferred to the Association. If there is a recount or other challenge to the election process, the Inspector(s) of Election shall, upon written request, make the ballots available for inspection and review by an Association Member or his/her authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

- (10) After the transfer of the ballots to the Association, the ballots shall be stored by the Association for up to three (3) years, or in accordance with current California Law.
- (11) Notwithstanding any other provision of law, the rules adopted pursuant to this section may provide for the nomination of candidates from the floor of membership meetings or nomination by any other manner. Those rules may permit write-in candidates for ballots.
- (12) Except for the meeting to count the votes required in subdivision (3), an election may be conducted entirely by mail unless otherwise specified in the governing documents.

APPLICABILITY:

Elections regarding assessments legally requiring a vote, election and removal of members of the association board of directors, amendments to the governing documents, or the grant of exclusive use of common area property shall be held by secret ballot in accordance with the procedures set forth in this section, or in conformance with current California law.