

**ELECTION RULES
BRIDLE PATH HOMEOWNERS ASSOCIATION**

The following election rules are adopted to comply with the requirements of the Davis-Stirling Act and to provide for fair elections, subject to all applicable and enforceable: (a) provisions of law, and (b) Articles of Incorporation, CC&Rs, and Bylaws.

I. MEMBERSHIP MEETINGS

A. Meetings of the Membership.

1. **Annual Meetings.** The annual meetings of the association shall be held at 8:00 p.m. on the third Monday of January of each succeeding year. At such meeting there shall be elected by ballot of the owners entitled to vote a board of directors in accordance with the requirements of Section 5 of Article II of the Bylaws. The owners may also properly transact such other business of the association as may properly come before them.
2. **Special Meetings.** It shall be the duty of the president to call a special meeting of the owners as directed by a resolution of the board of directors or upon a petition signed by any ten (10) of the owners entitled to vote and having been presented to the secretary, or by members representing not less than fifteen percent (15%) of the voting power residing in members other than declarant, or as otherwise provided by law.
3. **Place of Meetings.** Meetings of the association shall be held at the principal office of the project or such other suitable place convenient to the owners as may be designated by the board of directors.

B. Notice of Membership Meetings.

It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof, as well as the time and place where it is to be held, to each owner of record, at least ten (10) days prior to such meeting. The mailing of a notice required by the Bylaws shall be considered notice served. The notice of any special meeting shall state the time and place of such meeting as well as the purpose thereof and shall be sent by the secretary to the owners at least ten (10) days before the meeting. No business shall be transacted at a special meeting except as stated in the notice.

II. NOMINATIONS

A. Number and Qualification of Directors.

The affairs of the association shall be governed by a board of directors composed of five (5) persons, all of whom must be owners or agents of owners of lots in the project.

B. Term of Office.

Directors shall be elected by the association at its annual meeting for a term of one (1) year to serve concurrently.

C. Nominations.

Any qualified person may nominate himself or herself for election to the board of directors by submitting to the association a written statement signed and dated by the person nominating himself or herself. The self-nomination statement must be received by the association no later than the time set by the board for the close of nominations.

III. CAMPAIGNING

A. Access to Media.

1. **No Use of Association Resources.** The association's newsletter, website, bulletin board, or other association media may not be used for campaign purposes.
2. **Exception.** If any candidate or member is provided access to association newsletters, website, bulletin board or other association media during an election, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and members. The access shall be limited to information relating to that election, and shall include those candidates and members not endorsed by the board. 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. The association and its directors, officers, and agents, shall be immune from liability for the content of those communications to the fullest extent provided by law.

B. Use of Common Area During Election Campaign.

1. **No Cost for Use.** During an election campaign, each candidate and each member advocating a point of view reasonably related to the election shall be allowed to use, if available, the association's common area at no cost to the member or candidate.
2. **Reservation.** Each candidate or member who wants to use the common area pursuant to this rule must make a reservation in advance of the date and time requested. Candidates' and members' requests to use the common area shall be granted on a first-come, first-served basis, provided that the area is not already reserved. In order to assure fairness, each candidate may not reserve or use the common area for more than two hours on any particular date. In addition, each candidate and each member shall only be allowed to make one reservation per day to use the common area.

C. No Use of Association Funds for Campaign Purposes.

Association funds may not be used for campaign purposes in connection with any board election and may 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. The association shall not include the photograph or prominently feature the name of any candidate on a communication from the association or its board, excepting the ballot and ballot materials, within thirty (30) days of an election. This restriction does not preclude directors from advocating the election or defeat of any issue or candidate on the ballot. However, they may not use association funds to do so.

IV. INSPECTORS OF ELECTION

A. Selection.

1. **Process.** Prior to the date ballots are first sent out, the board of directors shall, at an open meeting of the board, select either one (1) or three (3) persons as Inspectors of Election.
2. **Eligible Inspectors.** The board shall select an Independent Third Party or Parties as Inspectors of Election. An Independent Third Party includes, but is not limited to:
 - a. **Poll Worker.** A volunteer poll worker with the County Registrar of Voters,
 - b. **Accountant.** A licensee of the California Board of Accountancy, including any such licensee under contract to the association,
 - c. **Notary.** A notary public,
 - d. **Recording Secretary.** A recording secretary, including any such recording secretary under contract to the association,
 - e. **Management Company Representative.** Representatives of any management company, including any such management company under contract to the association,
 - f. **Association Members.** Members of the association, but not: (i) members of the board, (ii) candidates for the board, (iii) persons related to a member of the board, or (iv) persons related to a candidate for the board,
 - g. **Person or Entity Under Contract to the Association.** An Independent Third Party may 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.

B. Duties.

Duties of Inspectors of Election shall include the following:

1. **Membership.** Determine the number of memberships entitled to vote and the voting power of each.
2. **Validity.** Determine the authenticity, validity and effect of proxies, if any.
3. **Closing of Polls.** Determine when the polls shall close consistent with the governing documents.
4. **Receive Ballots.** Receive all ballots. Once a secret ballot has been received by an Inspector of Election, it shall be irrevocable.
5. **Custody.** Maintain custody of the sealed ballots at all times. The sealed ballots at all times shall be in the custody of the inspector or inspectors of election or at a location designated by the inspector or inspectors until after the tabulation of the vote 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. 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 or her designee may verify the member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.

6. **Challenges.** Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote. If there is a recount or other challenge to the election process, the inspector or inspectors of election shall make the ballots available for inspection and review upon written request. An association member may authorize a representative to review the ballots on his or her behalf. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.
7. **Counting.** Count and tabulate all votes. All votes shall be counted and tabulated by an Inspector of Election or his or 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.
8. **Appoint Assistants.** Appoint and oversee additional independent third parties to verify signatures, and to count and tabulate votes as the inspectors of election deem appropriate provided that such persons are independent third parties.
9. **Results.** Determine the tabulated results of the election.
10. **Impartiality.** Perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical. Any report made by the Inspectors of Election is prima facie evidence of the facts stated in the report.
11. **Miscellaneous.** Perform any acts as may be proper to conduct the election with fairness to all members in accordance with Civil Code section 1363.03, the Corporations Code, the association's governing documents, and all applicable rules of the association regarding the conduct of the election that are not in conflict with Civil Code section 1363.03.

V. BALLOTS AND PROXIES

A. Voting Rights.

1. **Number of Votes.** Members shall be entitled to one (1) vote for each lot for which they hold the interest required for membership by Article II of the Declaration.
2. **Cumulative Voting.** Every lot owner entitled to vote at any election or removal of directors of the association may cumulate his or her votes and give one (1) candidate a number of votes equal to the number of directors to be elected.
3. **Co-Owners.** When more than one (1) person holds an interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they themselves determine, but in no event shall more than one (1) vote be cast with respect to any lot.

B. Proxies.

1. **Proxies.** The association may use and accept proxies as permitted by law and the association's governing documents, provided that the association shall not be required to prepare or distribute proxies. Proxies shall not be construed or used in lieu of a ballot at a meeting.
2. **Proxy Form.** Any instruction given in a proxy issued for an election that directs the manner in which the proxy holder is to cast the vote shall be set forth on a separate page of the proxy that can be detached and given to the proxy holder to retain. Proxies must meet all requirements of Chapter 4 of Article 2 of the Davis-Stirling Act, other laws, and the association's governing documents.

3. **Vote by Proxy.** The proxy holder shall cast the member's vote by secret ballot unless the proxy is revoked by the member prior to the receipt of the ballot by an inspector of election as described in Section 7613 of the Corporations Code.

C. Ballots.

1. **Non Revocable.** Once a secret ballot has been received by an Inspector of Election, it shall be irrevocable.
2. **Secret Ballot.** All items legally requiring a vote of the membership shall be held by secret ballot, including but not limited to assessments, selection and removal of members of the association's board of directors, amendments to the governing documents, or the grant of exclusive use of common area property.
 - a. **No Signature.** The ballot should be filled out, but not signed by the voter.
 - b. **Inner Envelope.** After the unsigned ballot is filled out, it must be inserted into an inner envelope which is then sealed. This sealed inner envelope must be inserted into a second envelope, which is also sealed.
 - c. **Second Envelope.** In the upper left hand corner of this second envelope, the voter must 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. The second envelope must be addressed to the Inspector of Election who will be tallying the votes.
 - d. **Delivery.** The envelope may be mailed to the address on the envelope or delivered by hand to a location specified by the Inspectors of Election. The member may request a receipt for delivery.
3. **Quorum by Ballot.** Each ballot received by an Inspector of Election shall be treated as a member present at a meeting for purposes of establishing a quorum.
4. **Ballot Delivery to Members.** Ballots and two (2) 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 thirty (30) days prior to the deadline for voting. In order to preserve voter confidentiality, a voter may not be identified by name, address, or lot, parcel or unit number on the ballot.
5. **Ballot Markings.**
 - a. **Symbols.** A ballot which contains an unspecified number of votes shall be counted and tabulated as if it was the number "1" if any of the following appear: an "x", a checkmark, or any symbolic designation indicating the voter's intent to vote for any particular candidate, issue or ballot measure.
 - b. **Signatures.** A ballot shall not be invalidated solely due to the inclusion of a signature thereon.

VI. MEETING PROCEDURES

1. **Chair of Meeting.** The president of the board shall call the membership meeting to order and shall chair the meeting unless a majority of the board selects another person to chair the meeting.
2. **Quorum.** At all meetings of the members entitled to vote, fifty-one percent (51%) of such members shall be necessary to constitute a quorum. If any meeting cannot be held because a quorum is not present, the owners present, either in person or by proxy, may adjourn the meeting to a time not less than five (5) days nor more than thirty (30) days from the time the original meeting was called, at which time the quorum requirement shall be reduced to forty-four percent (44%) of the members entitled to vote. Except as provided below, if there is a quorum, a fifty-one percent (51%) vote of the members present either in person or by proxy and entitled to vote shall be sufficient for the passage of any motion or the adoption of any resolution. Where the owner of a lot is a corporation or partnership, the nominee of such corporation or partnership shall have the voting rights and the right to be elected to serve on the board.
3. **Counting Ballots.** The Inspector of Election, or his or her designee, shall count and tabulate all ballots in public at a properly noticed open meeting of the board of directors or members. 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. Any candidate or other member of the association may witness the counting and tabulation of the votes.

VII. POST-ELECTION RESULTS

A. Results of the Election.

The results of the election shall be announced immediately after all the ballots have been counted. Within fifteen (15) days of the election, the board shall publicize the results of the election in a communication directed to all members.

B. Status of the Ballots after Election.

The sealed ballots at all times shall be in the custody of the inspector or inspectors of election or at a location designated by the inspector or inspectors until after the tabulation of the vote 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. After the transfer of the ballots to the association, the ballots shall be stored by the association in a secure place for no less than one (1) year after the date of the election.