

SEASIDE VILLAGE TOWNE HOMES ASSOCIATION

MANDATORY SB 323 AMENDMENTS TO THE ASSOCIATION'S RULES FOR THE ELECTION OF DIRECTORS BY SECRET BALLOT

Adopted 03/25/2020

1. INTRODUCTION

These Mandatory SB 323 Amendments to Election and Voting Rules (hereinafter "Rules") are being adopted to comply with the mandatory requirements of Senate Bill 323, which becomes effective on January 1, 2020. These Rules, which shall also become effective on January 1, 2020, will therefore restate applicable law, and membership review and comment is therefore not required prior to their adoption (California *Civil Code* Section 4355(b)(5)).

These Rules do not replace all of the Association existing election rules. These Rules only amend or supplement the Association's existing election rules to make them comply with the mandatory portions of SB 323. The Association's existing election rules shall remain in full force and effect, except as amended by these Rules and/or applicable law. To the extent any of the following Rules are inconsistent with the Association's CC&Rs, Bylaws, Articles of Incorporation, operating rules or any other governing document, these Rules shall control.

All references to Section numbers within these Rules (e.g., Section 4040, Section 4045) refer to Sections of the California *Civil Code*, or any comparable superseding statutes.

2. INSPECTOR(S) OF ELECTION

An Inspector of Election, and any person appointed by an Inspector of Election to assist in verifying signatures or in counting and tabulating votes, 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 other than serving as an inspector of elections.

3. NOTIFICATION OF PROCEDURE AND DEADLINE FOR SUBMITTING A NOMINATION (NOTIFICATION MUST BE PROVIDED AT LEAST 30 DAYS BEFORE ANY DEADLINE FOR SUBMITTING A NOMINATION)

The Association shall, at least 30 days before any deadline for submitting a nomination, provide general notice (Section 4045) of the procedure and deadline for submitting a nomination. Individual notice shall be delivered pursuant to Section 4040 if individual notice is requested by a member.

4. NOTIFICATION OF LIST OF CANDIDATES NAMES AND BALLOT RELATED INFORMATION (NOTIFICATION MUST BE PROVIDED AT LEAST 30 BEFORE THE BALLOTS ARE DISTRIBUTED)

The Association shall, at least 30 days before the ballots are distributed, provide general notice (Section 4045) of all of the following:

Adopted 03/25/2020

A. The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector or inspectors of elections;

B. The date, time, and location of the meeting at which ballots will be counted; and

C. The list of all candidates' names that will appear on the ballot.

Individual notice of the above paragraphs shall be delivered pursuant to Section 4040 if individual notice is requested by a member.

5. DELIVERY OF BALLOTS AND ELECTION RULES (DELIVERY REQUIRED AT LEAST 30 DAYS BEFORE AN ELECTION)

The inspectors of election shall deliver, or cause to be delivered, at least 30 days before an election, to each member both of the following documents:

A. The ballot or ballots; and

B. A copy of the election operating rules. Delivery of the election operating rules may be accomplished by either of the following methods:

i) Posting the election operating rules to an internet website and include 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:"; or

ii) Individual delivery, as described in California Civil Code section 4040.

6. CANDIDATE REGISTRATION LIST AND VOTER LIST

The Association shall retain, as association election materials (Section 5200(a)(13)), 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.

Members shall be permitted 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.

7. ALL NOMINEES FOR ELECTION TO THE BOARD MUST BE MEMBERS OF THE ASSOCIATION

The Association shall disqualify a person from a nomination as a candidate for not being a member of the Association at the time of nomination.

8. TITLE HELD BY A LEGAL ENTITY THAT IS NOT A NATURAL PERSON

If title 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 of the Association for purposes of Sections 5100 through 5145.

9. COMPLIANCE WITH SECTION 5105(g)

Notwithstanding any other law, the Association and the Inspector(s) of Election shall not:

(A) Deny a ballot to a member of the Association for any reason other than not being a member of the Association at the time the ballots were distributed;

(B) Deny a ballot to a person with general power of attorney for a member. The ballot of a person with general power of attorney for a member of the Association shall be counted if returned in a timely manner.

10. CUSTODY OF VOTING MATERIALS

The sealed ballots, signed voter envelopes, voter list, proxies, and candidate registration list shall at all times be in the custody of the Inspector(s) of Elections or at a location designated by the Inspector(s) until after the tabulation of the vote, and until the time allowed by Section 5145 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 the member's authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.