

SKY RANCH COMMUNITY ASSOCIATION ELECTION RULES & PROCEDURES

General Election Rules

1. All candidates or members advocating a point of view shall have *equal* access to all association media, newsletters, and websites during a campaign for purposes reasonably related to that election.
2. The association will not edit or redact (black out) any content from communications defined in item #1; however, the association may include a statement specifying that the candidate or member, as applicable, and not the association, is solely responsible for the content of the communication, and that the association was required by law to publish the communication word-for-word, regardless of its content.
3. All candidates and members having a point of view will have equal access, at no cost, to any common area meeting space during a campaign for purposes related to the election.

Candidate Qualifications

Directors need not be Members of the Association.

Nomination Procedures

1. Candidate statement solicitation notices will be sent to the membership.
2. The solicitation notices will include a deadline for receipt of those statements by the association.
3. Any candidate nominated by another person will be contacted to confirm his or her consent to run for election to the board of directors.
4. Completed statements that are received by the deadline will have the candidate's name printed on the secret ballot that is mailed to the membership.
5. Nomination of a candidate by the nominating committee can be done at a regular session meeting of the board of directors or via written consent of a majority of the committee members.
6. Completed statements that are received by the deadline will be re-typed and included with the secret ballot that is mailed to the membership along with all candidate statements that meet the deadline. Candidates will be listed in alphabetical order by last name, then by first name in the event that candidates have the same last name. Incumbents can be identified by an asterisk. If the number of candidates is fewer than or equal to the number of open seats, the board may choose to eliminate the candidate statements to save on copying costs.

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7. Candidates can be nominated from the floor at the election meeting by another member or by self-nomination.

Election Process

1. The number of directors who are scheduled to be elected and their respective terms shall be determined in accordance with the association's governing documents and stated in the notice of the meeting.
2. If more than one party is listed on title to a lot or unit, only one owner needs to submit his or her signed, color-coded envelope to vote.
3. Record dates for determining members entitled to receive notice of the meeting and for determining members entitled to vote at the meeting will be established in advance by the board of directors at an open board meeting. If no date is established by the board, then the date that the ballots were mailed to the membership shall be the record date.
4. The election will be conducted annually on the annual anniversary of the first annual meeting of the members. If it falls on a weekend or holiday, the meeting may be scheduled the next day. (See the CC&Rs, section 6.2).

Voting Power*

1. Class A Members (homeowners) may vote one time for each open position. For example, if there are two open positions, the owner would get two votes.
2. Class B Members (Builder/Developer) may vote three times for each open position. For example, if there are two open positions, the builder/developer would get six votes.

Inspector(s) of Election

1. Inspector(s) of election will be appointed annually by the board of directors at a board meeting held prior to the distribution of election materials.
2. If there is an election or vote between annual elections of the board of directors, the board may retain the inspector(s) of election from the last meeting, or the board has the authority to appoint different inspector(s) at the board's discretion.
3. The board 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.
4. There shall be one or three inspectors of election for the association.

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5. If there are three inspectors of election, the decision or act of a majority shall be effective in all respects as the decision or act of all.
6. The inspectors may designate others as assistants to facilitate the ballot counting process. Assistants will work under the direction of the inspectors.
7. Inspector(s) shall be independent third parties which can include, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensed CPA, a notary public, a person who is currently employed by or under contract to the association for any compensable services, or a member of the association.
8. Inspector(s) or their designated assistants cannot be a member of the board, a candidate for the board, related to a member of the board or candidate for the board.
9. If the board cannot find a suitable volunteer inspector within 30 days of the election, the board will be compelled to retain a CPA or other professional of choice at an additional expense to the association.
10. Inspector(s) will determine the number of memberships entitled to vote and the voting power of each.
11. Inspector(s) will determine the authenticity, validity, and effect of proxies, if any.
12. Unless the inspector(s) designate a different location to receive ballots, the location to receive ballots will be the association's managing agent's business office address.
13. Inspector(s) hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
14. All accounting and tabulations will be done in an open setting to allow members to watch and listen. Members who are not inspectors cannot participate in such discussions, if any arise. Inspector(s) count and tabulate all votes. All votes shall be counted and tabulated by the inspector(s) in public at a duly noticed board or member meeting.
15. Every inspector(s) of election must sign the ballot tally sheet for the association's corporate records.
16. Inspector(s) determine when the polls shall open and close.
17. Inspector(s) determine and announce the results of the election.
18. Inspector(s) to report the results of the election promptly to the board of directors and the results are to be recorded in the next regular session board meeting minutes.

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19. Inspector(s) perform any acts as may be proper to conduct the election with fairness to all members in accordance with the inspector(s) of election rules and all applicable rules of the association regarding the conduct of the election that are not in conflict with the inspector(s) of election rules.
20. Inspector(s) perform all duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical.

Ballot Rules

1. Once a ballot is received by the association it is deemed irrevocable, even if it is still unopened in the color-coded envelope.
2. If a member loses his or her ballot, a new one can be obtained from the inspector(s) at the election meeting, or from the manager prior to the meeting, however, if a ballot is already on file from that unit, then no new ballot will be given.
3. A member who signs or otherwise marks his or her ballot with an identifying mark, waives his or her rights to secrecy. The association is not responsible for redacting personal information that is added to the ballots by the member.
4. Unmarked ballots may be counted toward quorum purposes only.

Proxy Rules

1. If a member wishes to vote by proxy, the member may request a proxy to be sent electronically or via US mail.
2. Members may submit a proxy of their own design as long as the proxy meets the minimum requirements set forth in the association's governing documents and applicable California Corporations Codes and California Civil Codes.

Tabulation Rules

1. Once received by the association, the sealed ballots shall be in the custody of the inspector(s) of election or at a location designated by the inspector(s) at all times.
2. If the number of candidates is equal to or fewer than the number of open positions, and if the tabulation of votes is not required to determine term of office, then a member in attendance can make a motion to elect the slate as presented. Inspectors must still open all ballots to ensure that there are no write-in candidates, but the vote count will be waived.

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3. Any candidate or other member of the association may witness the counting and tabulation of the votes. Members who are not inspectors, must remain at least five feet away from the counting area.
4. The inspector(s) can cause the removal of any observer who causes interference with or disrupts the counting or tabulation process.

Post Election Rules

1. In addition to recording the election results in the next regular session board meeting minutes, the association shall keep annual meeting minutes that reflect the results of the election.
2. The board shall publicize the tabulated results of the election in a communication directed to all members within 15 days of a successful (quorum achieved) election.
3. After the tabulation of the votes, custody of all election materials will be transferred to the custody of the association for its corporate records.