



VILLAGE PARK COMMUNITY ASSOCIATION

A Planned Unit Development of 636 Homes

A California Corporation

**VILLAGE PARK COMMUNITY ASSOCIATION
ELECTION AND VOTING RULES
(Reference California Civil Code Sections 5100 through 5135)
Adopted June 22, 2017**

These Election and Voting Rules (“Rules”) establish certain procedural rules for membership voting based upon the Association's Declaration of CC&Rs, Amended By-Laws, the California Civil Code, and the California Corporations Code, and were adopted in accordance with Civil Code Section 5105.

1. **QUALIFICATIONS OF DIRECTORS AND NOMINATION PROCEDURES** - Directors must meet the qualifications specified in Article V, Section 1 of the Amended By-Laws. Nomination shall be conducted pursuant to Article VII, Section 1 of the Amended By-Laws.
2. **VOTING QUALIFICATIONS AND THE VOTING POWER OF EACH MEMBERSHIP** - Each Membership shall be entitled to one (1) vote per Lot, provided that cumulative voting shall be used in connection with the election of Directors pursuant to Article VII, Section 2 of the Amended By-Laws.
3. **PROCEDURES FOR USE OF SECRET BALLOTS** - Membership voting regarding assessments, election or recall of members to the Board of Directors, amendments to the governing documents, and the proposed grant of exclusive use of common area pursuant to Civil Code Section 4600 (hereinafter “Secret Ballot Topics”) shall be conducted through secret ballot procedures in compliance with Civil Code Sections 5100 through 5145. A Member may cast his or her vote on a Secret Ballot Topic by mail or in person at a meeting, provided the Member casts the vote using a secret ballot in compliance with Civil Code Section 5115, including the following:
 - a. At least 30 days prior to the deadline date designated for return of secret ballots, the Association will mail to the Members authorized to vote, by first-class mail, the secret ballot, together with two envelopes for return of the ballot.
 - b. The ballot itself is not to be signed by the voter but is inserted into an envelope that is sealed (Envelope #1), and inserted into a second envelope preaddressed to the Inspector(s) of Election (Envelope #2), which is then also sealed by the voter.
 - c. In the upper left-hand corner of the return envelope (Envelope #2), the voter shall sign his or her name, indicate his or her name (e.g., in print letter format), and indicate the address or other identifying account number or Lot number that entitles him or her to vote.
 - d. The owners of multiple properties must submit a separate ballot in a separate sealed ballot envelope for each property owned.
 - e. Ballots may be mailed to the designated return address or delivered by hand to the designated location identified in the ballot materials. The Member may request a receipt for hand delivery of a secret ballot (in the sealed envelopes). Any Member desiring a receipt for mail delivery should send the ballot by certified mail, return receipt requested.
 - f. If the required quorum is not attained at an initial or adjourned meeting at which secret ballots will be used, and if the meeting is adjourned to another date, all secret ballots cast shall carry over until quorum is attained and the secret ballots are counted.
4. **PROCEDURES FOR USE OF PROXIES** - In instances, if any, where proxies are used in connection with Secret Ballot Topics, in order to be counted the proxy must (a) identify a proxyholder (who must be a Member in attendance at the meeting for which the proxy is given), (b)

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contain voting instructions, (c) be dated and signed by the Member (who must be authorized to vote) giving the proxy, and (d) any instruction given in a proxy that directs the manner in which the proxyholder is to cast the vote must be set forth on a separate page of the proxy that can be detached and given to the proxy holder to retain. The proxy holder shall cast the Member's vote by secret ballot, including indicating the name and address or other identifying account number or Unit number of the proxy giver in the upper left-hand corner of the return envelope (Envelope #2), but shall sign the proxy holder's name on Envelope #2 and indicate his/her capacity as proxyholder. The Inspector(s) of Election shall be entitled to invalidate any proxy or other document purporting to cast a Member's vote used in connection with Secret Ballot Topics that does not comply with these Rules and applicable law, including the secret ballot procedures set forth in Civil Code Section 5115.

5. **INSPECTORS OF ELECTION** - In accordance with Civil Code Section 5110(a), the Board of Directors shall appoint either one (1) or three (3) independent third parties to serve as Inspector(s) of Election. Pursuant to Civil Code Section 5110(b), an "independent third party" may include, without limitation, (a) a volunteer poll worker with the county registrar of voters, (b) a licensee of the California Board of Accountancy, (c) a notary public, (d) the Association's managing agent, (e) a person who is under contract to the Association for compensable services, or (f) a member of the Association who is neither a director, a candidate for election as a director, nor related to a director or candidate for election as director. The Inspector(s) of Election shall perform the duties set forth below and shall sign a report or certificate evidencing the voting results. The decision of a majority of the Inspectors shall control. Inspectors may appoint additional persons to assist them in verifying Members' information entitling them to vote and the counting and tabulating of the votes. The Inspector(s) of Election Duties are as follows:
 - a. Determine the number of memberships entitled to vote and the voting power of each;
 - b. Confirm the number of memberships represented at the meeting;
 - c. Confirm the existence of a quorum;
 - d. Determine the authenticity, validity, and effect of proxies and ballots;
 - e. Hear and determine all challenges and questions in any way arising in connection with the right to vote;
 - f. Count and tabulate all votes;
 - g. Determine when the polls shall close;
 - h. Determine the result of the voting;
 - i. Perform any acts as may be proper to conduct the balloting or election with fairness to all members.
6. **VOTING AND COUNTING OF BALLOTS/PROXIES** - All votes shall be counted and tabulated by the Inspector(s) of Election in public at a properly noticed open meeting of the Board of Directors or at a properly noticed meeting of the Members. Any candidate or other Member of the Association may witness the counting and tabulation of the votes from a reasonable distance, as determined by the Inspector(s) of Election. No person, including a Member of the Association or an employee of the Association, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.
7. **CUSTODY OF VOTING MATERIALS/ ANNOUNCEMENT OF RESULTS** - Sealed ballots shall be returned in accordance with the procedures set forth in the instructions mailed to the Members, or as otherwise may be determined by the Inspector(s) of Election. Sealed ballots at all times shall be in the custody of the Inspector(s) of Elections or at a location designated by the Inspector(s) of Elections until provided to the Inspector(s) of Election for opening, counting, and tabulation. If the Inspector(s) of Election are not designated before the ballots are distributed to the Members, the sealed ballots shall be returned to the location designated in the instructions mailed to the Members and shall be deemed to be held on behalf of and in the custody of the Inspector(s) of

Election at such location. After the tabulation of the ballots, the Inspector(s) of Election shall retain custody of the ballots at its offices, or such other location designated by the Inspector(s) of Election, for one year, whereupon custody of the ballots shall be transferred to the Association. The 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 following the election, the Board shall publicize the tabulated results of the election by general notice directed to all Members. After tabulation of the ballots, the ballots shall be stored in a secure place for no less than one year after the date of the election. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by Association Members or their authorized representatives. Any recount of ballots shall be conducted in a manner that shall preserve the confidentiality of the vote.

8. **EQUAL ACCESS**

If any candidate or member advocating a point of view is provided access to Association media, newsletters, or Internet Web sites 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; provided, however, the Association shall not be responsible or liable for the content of any such communications, and the Association may include a statement in the communication specifying that the candidate or member, and not the Association, is responsible for the content. Equal access to common area meeting space, if any, shall exist during a campaign, at no cost, to all candidates, including those who are not incumbents, and to all members advocating a point of view, including those not endorsed by the Board, for purposes reasonably related to the election.

9. **USE OF ASSOCIATION FUNDS FOR CAMPAIGN PURPOSES PROHIBITED**

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. As set forth in Civil Code Section 5135(b), 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 that is on the Association election ballot.
- b. Including the photograph or prominently featuring the name of any candidate on a communication from the Association or its board, excepting the ballot and ballot materials, within 30 days of an election, provided that this is not a campaign purpose if the communication is one for which subdivision (a) of Civil Code Section 5105 requires that equal access be provided to another candidate or advocate.