

Rancho Murieta Association

Voting and Election Rules

These Rules shall be effective as of the date of adoption, shall supersede any other conflicting voting rules of the association, and shall remain in effect until modified by the board.

Article 1 **MEDIA**

1.1 Access to Association Media – Candidates for the Board. The board may but is not required to make association media (i.e., posting on the association’s official bulletin board/notice board/kiosk or on an official association website (if any), publication in an official association newsletter or newspaper (if any), or other notices mailed or delivered by the association to the owners or the Lots) available to qualified candidates running for election to the board for purposes that are reasonably related to the election in which that candidate is running. If the board allows any candidate access to association media, then all qualified candidates shall be allowed equal access to the same media.

1.2 Access to Association Media – Other Matters. If the board utilizes association media to advocate a point of view on any matter (other than election of directors) that requires member approval, or allows any member access to association media for that purpose, then all members advocating a different point of view shall be allowed equal access to the same media. The board shall not be required to allow access to more than one member advocating the same point of view.

1.3 “Equal Access”. “Equal access” shall mean publication of written statements not to exceed a predetermined number of words. The board shall not edit or redact any statement, but shall not be required to publish any statement that exceeds the predetermined length restrictions.

1.4 Responsibility for Content. All statements published in association media pursuant to the “equal access” rules must identify the author or proponent. No anonymous statements will be permitted. The author and/or proponent of any statement or point of view shall be solely responsible and liable for the content of their statements. The association shall not be responsible or liable for the content of any statement published pursuant to the “equal access” rules.

Article 2 **MEETING SPACE**

2.1 Access to Common Area Meeting Space – Campaigning by Candidates for the Board. The board shall ensure that during a campaign all qualified candidates for election to the board are given access to common area meeting space, at no cost, for purposes reasonably related to their campaigns.

2.2 Access to Common Area Meeting Space – Other Matters. Whenever the board places a matter before the members which requires member approval, the board shall ensure that members advocating a point of view on the matter are given access to common area meeting space, at no cost, for purposes reasonably related to advocating their point of view, whether or not they agree with the point of view advocated by the board on the matter at issue.

Article 3 **VOTING BY SECRET BALLOTS**

Notwithstanding Article IV, Section 4(a) and (b) of the Bylaws, all voting by the members shall be conducted by secret ballot using a “double envelope system” as described in Civil Code section 1363.03(e). The ballot and envelopes shall be mailed or delivered to the members entitled to vote in the vote or election.

Article 4 **INSPECTORS OF ELECTION**

4.1 Appointment of Inspectors. Whenever there is a membership vote or election, the board shall appoint one or three inspectors of election. If one inspector is appointed, that person shall be the “Director of Election” pursuant to Article IV, Section 5 of the Bylaws. If three inspectors are appointed, the Board shall designate one of the inspectors to serve as Director of Election.

4.2 Qualification of Inspectors of Election. Inspectors may be any persons the board reasonably believes to be independent with respect to the matter or matters being voted on and may include the association’s accountant, or legal counsel or members of the association, but may not be a member of the board or a candidate for election to the board or a family member of a current member of the board or of a candidate.

4.3 Duties of Inspectors. In addition to the duties described in Article IV, Section 5 of the Bylaws concerning the Director of Election, the inspector(s) shall do those things listed in Civil Code section 1363.03(c)(3).

4.4 Indemnification of Inspectors; Liability Insurance. Inspectors of election shall be deemed to be agents of the association for purposes of Corporations Code section 7237 and shall be entitled to indemnification by the association to the fullest extent provided by law. As provided in Corporations Code section 7237(i), the association shall have the power to purchase and maintain insurance on behalf of any agent of the association against any liability asserted against or incurred by the agent in his or her capacity as an agent of the association or arising out of the agent’s status as such, whether or not the association would have the power to indemnify the agent against such liability under the provisions of Corporations Code section 7237.

Article 5 **CANDIDATES FOR THE BOARD**

5.1 Qualification of Candidates. Candidates for the board must be members in good standing (Bylaws Article VII, Section 2) who have not been declared of unsound mind by a final order of court or been convicted of a felony (Corporations Code section 7221(a)).

Notwithstanding Article VII, Section 2 of the Bylaws, candidates may be resident or non-resident members pursuant to Civil Code section 1363.03(a)(3). “Member” means a person who holds legal title to the property (i.e., is named in the deed for the property).

5.2 Nominations. The board shall publish or post a notice recruiting candidates for the board and stating the deadline for receipt of nominations. Any member who satisfies the qualifications may place his or her name in nomination for the board by giving written notice to the board before the published deadline for receiving nominations. In addition, the board shall appoint a nominating committee in accordance with Article VII, Section 4 of the Bylaws to nominate qualified candidates. As provided in the second paragraph of Section 4 of Article VII of the Bylaws, candidates also may be nominated at a meeting to elect directors.

Article 6 **MEMBER VOTING RIGHTS**

6.1 Qualification for Voting. Only members in good standing shall be allowed to vote. A member shall be deemed to be in good standing unless, after notice to the member and an opportunity for hearing, the board has found the member to be not in good standing and has so notified the member in accordance with Civil Code section 1363(h).

6.2 Voting Power of Each Membership. Only one vote shall be cast for each lot. Once a ballot is received by the inspector of election, it may not be rescinded. Cumulative voting is not permitted in the election of directors.

6.3 Quorum. In any vote or election by the members, satisfaction of the quorum requirement shall be determined by the number of verified ballots that are received, rather than by the number of members in attendance at the meeting at which ballots are tabulated.

Article 7 **PROXIES**

7.1 Proxies Are Not Ballots. As defined in Corporations Code section 5069, “proxy” means a written authorization signed by a member or the member’s attorney-in-fact giving another person or persons power to vote on behalf of such member. As provided in Civil Code section 1363.03(d)(2), proxies are not ballots and are not valid as votes in any election or vote conducted by the association. In any election or vote of the members conducted by the association, only official ballots issued by the association shall be counted as votes.

7.2 Form of Proxy. To be valid, every proxy must comply with the provisions of the Bylaws, including Article IV, Section 6, and must comply with the requirements of Civil Code section 1363.03(d), which requires that any instructions in a proxy directing the proxy holder how to vote must be on a separate page of the proxy which is to be detached and retained by the proxy holder. In exercising the proxy, the proxy holder will vote by secret ballot; accordingly, neither the Association, the Board, nor any inspector of election shall have any responsibility or liability concerning how a proxy holder actually votes.