



**ELECTION RULES**  
**(as of 9/18/07)**  
**[Civil Code section 1363.03]**

1. Membership. Each Owner shall automatically be a Member of the Association, and no Person who is not an Owner shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of a Unit in The Glen. Upon termination of ownership, an Owner's membership shall automatically terminate and shall be automatically transferred to the new Owner.

2. Voting. The Association shall have one class of voting membership. Members shall be entitled to one (1) vote for each Unit owned. When more than one Person holds an ownership interest in any Unit, all such Persons shall be Members, but no more than one (1) vote shall be cast with respect to any Unit. The vote of any such Unit shall be exercised as the Members holding an interest in such Unit determine among themselves. In the event of disagreement, the decision of those Members holding a majority of interest in such Unit shall govern. When a Unit is owned by a corporation, partnership, or other business entity, one individual, officially designated in writing by the business entity, may function as any other individual Member, including voting on behalf of said business entity and holding office in the Association. If one Owner casts the vote attributed to a Unit, the vote shall conclusively bind all of the Owners of that Unit. Any Member which is an entity shall designate in writing the individual to represent the entity as the Member and shall provide the writing to the Secretary of the Association prior to the exercise of a ballot, consent, waiver, or Proxy authorization.

3. Qualifications for Office. Only members in good standing may run for the board of directors and any other elected position. Any member may nominate him or herself.

4. 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, but may include a statement specifying that the candidate or member, and not the association, is responsible for that content. The association will ensure access to the common area meeting space, if any exists, 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.

5. Election Period. The board of directors will specify the voting period for elections, including the "times at which polls will open and close."

6. Secret Ballot. Any election regarding selection of members of the association board of directors shall be held by secret ballot in accordance with the procedures set forth in this rule. No



election shall be conducted if the number of candidates do not exceed the number of vacancies on the board.

7. Appointment of Inspector. The board of directors shall appoint an independent third party or parties as an inspector of election. The number of inspectors of election shall be either one or three. An independent third party includes, but is not limited to:

- a volunteer poll worker with the county registrar of voters;
- a licensee of the California Board of Accountancy; or
- a notary public.

An independent third party may be a member of the association but may **not** be:

- a member of the board of directors;
- a candidate for the board of directors;
- related to a member of the board of directors;
- a candidate for the board of directors; or
- related to a person who is currently employed or under contract to the association for any compensable services [unless expressly authorized by rules of the association].

8. The inspector or inspectors of election shall do all of the following:

- Determine that each person nominated to be elected as a member of the board of directors is an owner.
- Determine that each person nominated agrees to be so nominated.
- Determine the number of memberships entitled to vote and the voting power of each.
- Determine the authenticity, validity, and effect of proxies, if any.
- Receive ballots.
- Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
- Count and tabulate all votes.
- Determine when the polls shall close.
- Determine the result of the election.
- Perform any acts as may be proper to conduct the election with fairness to all members in accordance with this section and all applicable rules of the association regarding the conduct of the election that are not in conflict with this section.

9. Rules for Proxies. 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. The proxy holder shall cast the member's vote by secret ballot.



If the name signed on the ballot, consent, waiver, or Proxy appointment corresponds to the name of a Member, the ballot, consent, waiver, or Proxy statement shall be given effect as the act of the Member.

If the name signed on a ballot, consent, waiver, or Proxy appointment does not correspond to the record name of a Member, the ballot, consent, waiver, or Proxy statement shall be given effect as the act of the Member if any of the following occur:

- (a) The Member is an entity and the name signed purports to be that of an officer or agent of the entity.
- (b) The name signed purports to be that of an attorney-in-fact of the Member and if the inspector(s) requests, evidence acceptable to him or her of the signatory's authority to sign for the Member has been presented with respect to the ballot, consent, waiver, or Proxy appointment.
- (c) Two or more Persons hold the membership as cotenants or fiduciaries and the name signed purports to be the name of at least one of the coholders and the Person signing appears to be acting on behalf of all of the coholders.
- (d) The name signed purports to be that of an administrator, executor, guardian, or conservator representing the Member and, if the inspector(s) requests, evidence of fiduciary status acceptable to him or her has been presented with respect to the ballot, consent, waiver or Proxy appointment.
- (e) The name signed purports to be that of a receiver or trustee in bankruptcy of the Member and, if the inspector(s) requests, evidence of this status acceptable to him or her has been presented with respect to the ballot, consent, waiver, or Proxy appointment.

The inspector(s) shall reject a ballot, consent, waiver, or Proxy appointment if he or she acting in good faith has a reasonable basis for doubt concerning the validity of the signature or the signatory's authority to sign for the Member.

10. Ballots and two preaddressed 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 30 days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel, or unit number on the ballot. The association shall use as a model those procedures used by California counties for ensuring confidentiality of voter absentee ballots, including all of the following:

- (a) The ballot itself is not signed by the voter, but is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter prints and signs his or her name, address, and lot, or parcel, or unit number that entitles him or her to vote.
- (b) The second envelope is addressed to the inspector or inspectors of election, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector or inspectors of election. The member may request a receipt for delivery.



11. All votes shall be counted and tabulated by the inspector or inspectors of election 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. 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.

12. 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 of the election, the board shall publicize the results of the election in a communication directed to all members.

13. 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, at which time custody shall be transferred to the association.

14. After tabulation, election ballots shall be stored by the association 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 shall be conducted in a manner that shall preserve the confidentiality of the vote.

Adopted this 18th day of September, 2007

A handwritten signature in cursive script that reads "Stephanie Lee".

Stephanie Lee  
Secretary, The Glen of Pacific Grove Homeowners Association.