

**THE MABURY RANCH HOMEOWNER'S ASSOCIATION**  
**ELECTION AND BALLOTING PROCEDURES**

The Davis-Stirling Common Interest Development Act requires community associations, such as THE MABURY RANCH HOMEOWNER'S ASSOCIATION (the "Association"), to adopt rules regarding the procedures that the Association will use in the conduct of elections and the qualifications for being a nominee for election to the Board of Directors (collectively these "Election Rules").

1. Introduction. In compliance with these requirements of the Davis-Stirling Common Interest Development Act (California Civil Code section 4000 et seq; the "Act"), the following Election Rules have been adopted by your Board of Directors and will be used for the annual election of directors of THE MABURY RANCH HOMEOWNER'S ASSOCIATION, as well as other votes conducted by the Association that are subject to the secret ballot voting rules under the Act. Civil Code section 5105(h) provides that existing Election Rules cannot be amended at any time within 90 days prior to the date of a scheduled election.

2. General Election Rules Requirements. In accordance with Civil Code section 5105(a), the Association is required to adopt operating rules for the conduct of elections that do all of the following:

(a) *Prohibition on the Use of Association Funds in Elections.* Civil Code section 5135 provides that Association funds cannot be used for campaign purposes in connection with any Association Board election and Association funds may only be used in connection with other Association elections if necessary to comply with the duties of the Association imposed by law.

(b) *Secret Ballot Voting Procedure.* Civil Code section 5200(a) now requires that practically all significant actions and approvals requiring a vote of the Members be conducted by use of a secret mailed ballot in accordance with the procedures set forth in Civil Code sections 5110, 5115, 5120, and 5125. These secret ballot voting rules apply to these director elections and to several other important matters that require the prior approval of the Association's Members:

- (i) The election of directors;
- (ii) Member votes to remove one or more directors from office;
- (iii) Votes to approve increases in Regular Assessment or to approve Special Assessments when Member approval is required under Civil Code section 5605(b);
- (iv) Any Vote to amend the Governing Documents; and
- (v) Any vote to grant exclusive use of common areas to a particular Member or Members (when the Exclusive Use Common Area was not created by the original Governing

Documents). The procedures that must be followed to properly conduct a Member vote by use of a mailed secret ballot vote are set forth herein, below.

3. Qualifications for Candidates. Association Election Rules must state the qualifications for individuals who wish to be candidates for election to the Board and procedures for the nomination of candidates, consistent with the Governing Documents and the Act. The Act permits only the following qualifications to be imposed on persons who desire to declare their candidacy for election to the Board:

(a) Members have the right to self-nominate themselves, as an alternative to being selected or recruited by the Association;

(b) A person is disqualified from nomination as a candidate if that person is not a Member at the time of nomination;

(c) If title to a separate interest is held by a corporation, limited liability company, partnership, or other similar entity, rather than an individual, the governing body of the entity can appoint a natural person to be a member and a candidate. If title is held by a trust, the trustee/co-trustees shall be deemed to be the member and a candidate

(d) The Act provides that owner associations may require a nominee for election to the Board (and also for continued service as a director) to be current in the payment of Regular and Special Assessments. That is the policy of this Association. If an announced candidate has paid his or her regular assessment or special assessment under protest, or the nominee is participating in a Board-approved payment plan to retire delinquent assessments that person is an eligible nominee. However, if the candidate is delinquent with his or her payment plan, the candidate shall not be eligible.

(e) The Act provides that a person may be disqualified as a candidate if that person would be serving on the Board at the same time as another person who holds a joint ownership interest in the same Lot/Unit. It is the policy of this Association to adhere to this rule and the rule is interpreted to also include the prohibition of two spouses or same sex partners from serving on the Board at the same time.

(f) A nominee is disqualified if that person has been an Association Member for less than a year.

(g) The Act says that an Association may disqualify any nominee if that person discloses, or if the Association is aware or becomes aware of, a past criminal conviction that would either prevent the Association from purchasing the insurance coverage required by the Act should the person be elected or terminate the Association's existing insurance coverage required by the Act as to that person should the person be elected. That shall be the policy of the Association.

(h) Finally, because of the difficulties associated with the mailed secret ballot voting process it is not the policy of this Association to prepare the ballot form in a manner that includes a space for write-in candidates. As such, nominations from the floor are not allowed.

4. Voting Rights of Members. The Act requires association Election Rules to do all of the following:

(a) No Member may be denied a ballot for any reason other than not being a Member at the time that ballots are distributed in an election;

(b) If a Member has issued a general power of attorney to another person to represent the Member for purposes of voting in an election, the holder of the power of attorney cannot be denied a ballot, although the Association is entitled to receive a copy of the power of attorney, and the power of attorney must comply with any requirements imposed by the Inspector of Elections.

(c) The Election Rules must require the Inspector or Inspectors of Elections to deliver, or cause to be delivered, to each Member the following documents at least 30 days prior to the date of the election:

(i) the ballot or ballots. In an election to approve an amendment of the Governing Documents, the text of the proposed amendment shall be delivered to the Members with the ballot;

(ii) a copy of these Election Rules (which may be posted on the Association's website or sent by some form of Individual Delivery. If posted the Website must say: "Election Rules may be found here.").

5. The Requirements for Conducting a Vote by Secret Mailed Ballot. Use of Secret Ballots and Ballot Completion Requirements. The secret ballot voting procedures set forth in Civil Code section 5115 require associations to conduct a vote by mailed secret ballot in accordance with the subparagraphs below:

(a) *Notice of the Procedures and Deadlines for Submitting a Nomination for Election to the Board*. Owner Associations must provide general notice to all Members of the procedures and the deadline for submitting a nomination for election to the Board at least 30 days before the stated deadline for submitting a nomination. Any Member who has requested to receive this information by some form of Individual Delivery is entitled to notice in that fashion.

(b) *Notice to All Members of Election and Balloting Requirements Prior to the Distribution of Ballots*. Civil Code section 5115(b) provides that owner associations must provide,

by some form of General Notice, all of the following to Members at least 30 days before the ballots are distributed:

(i) 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 appointed by the Board of Directors;

(ii) The date, time, and location of the meeting at which ballots will be counted.

(iii) The list of all candidates' names that will appear on the ballot. If a particular Member requests that this voting information be provided to that Member by Individual Notice, then some form of individual notice must be used.

(c) *Description of the Secret Balloting Distribution Process.* Civil Code section 5115(c) sets forth these rules and procedures for the distribution and return of the secret ballots in those elections or Member votes where the secret ballot voting process is mandated:

(i) Ballots and two pre-addressed 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.

(ii) In order to preserve confidentiality, a voter may not be identified by name, address, or lot number on the ballot. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of vote by mail ballots.

(iii) The ballot itself shall not be signed by the voter. Instead, the ballot shall be inserted into an envelope (the "Ballot Envelope") that is sealed and that sealed envelope shall then be inserted into a second envelope that is sealed. In the upper left-hand corner of the second envelope, the voter shall sign the voter's name, indicate the voter's name, and indicate the address or other identifier of the Member's Lot that entitles the voter to vote.

(iv) The second envelope (the "Return Envelope") that is provided to Members in the balloting materials is slightly larger than the Ballot Envelope and must be addressed to the Inspector or Inspectors of Elections, who will be tallying the votes.

(v) The Ballot Envelope is inserted in the Return Envelope which is then mailed or delivered by hand to a location specified by the Inspector or Inspectors of Elections.

(vi) The Member may request a receipt for delivery of the Return Envelope.

(vii) If Members are unable to return their ballot due to an illness or other physical disability, they may designate another person (who must be a spouse, child, parent,

grandchild, brother, or sister, or a person residing in that household) to return the ballot for them. The Member must notify the Inspector of Election in writing and in advance of the third-party delivery and the designated person.

(viii) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of an absentee voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting.

(ix) Members campaigning for or against special assessments, election of directors, removal of directors, etc. cannot induce Members to divert ballots away from the Inspectors of Election.

(x) Quorum is required pursuant to the Governing Documents, and each ballot received by the Inspector(s) of Elections shall be treated as a Member present at a meeting for purposes of establishing a quorum. Pursuant to the Act and notwithstanding any quorum requirements imposed by the Association's Bylaws, the Association shall be permitted at its option to a reduced quorum of 20% for purposes of Association meetings to elect directors. In order to trigger such reduced quorum, the Association must provide the following language in its general notice required by Civil Code Section 5115(b): "The board of directors may call a subsequent meeting at least Twenty (20) days after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be 20 percent of the association's members voting in person, by proxy, or by secret ballot." This applies only to membership meetings to elect directors. The reduced quorum does not apply in the case of a special membership meeting to remove directors.

(xi) Cumulative voting shall be permitted in the election of directors in accordance with the Association Bylaws and CC&Rs.

(xii) Except for the meeting that is required by Civil Code section 5120(a) to count the votes an election utilizing these secret ballot procedures may be conducted entirely by mail unless otherwise specified in the Governing Documents.

(xiii) In an election to approve an amendment of the Governing Documents, the text of the proposed amendment shall be delivered to the Members with the ballot.

(d) *The Process for Tabulating Ballots and Announcement of the Results of the Vote.* All votes shall be counted and tabulated by the Inspector or Inspectors of Elections, or the designee of the Inspector(s) of Elections, in public at a properly noticed open meeting of the Board or the 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. The Inspector(s) of Elections, or the designee of the Inspector(s) of Elections, may verify the Member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated. Once a secret ballot is received by the Inspector(s) of Elections that ballot is irrevocable. The tabulated results of the election shall be promptly reported to the Board of Directors and shall be recorded in the minutes of the next meeting of the Board and shall be available for review by the Members of the Association. Within 15 days following the election, the Board shall give General Notice to the Members of the tabulated results of the election.

(e) *Determination of Election Results/Succession to Office.* The candidates receiving the highest number of votes, up to the number of vacancies to be filled in the election, shall be elected as directors and shall take office immediately following their election. In the event there is a tie vote, the tie shall be broken by random drawing.

(f) *Retention of Election Materials and Access to Ballot Information by Members.* Civil Code section 5105(a)(7) requires Association to retain, as part of the Association's election materials (as defined in Civil Code section 5200(e)), both a candidate registration list and a voter list. The voter list must 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 Residence or if only the Lot number is used.

6. Inspectors of Elections; Powers and Duties. It is the policy of this Association that the Inspector or Inspectors shall be selected by the Board of Directors at a meeting that is open to the Members. In accordance with Civil Code section 5110, the persons appointed as Inspectors of Election must be "independent third parties" which means that they cannot be a person or an entity that is currently employed or under contract to the Association for any compensable services other than serving as an Inspector of Elections. Eligible persons include (but are not limited to): a poll worker with the county registrar of voters, a licensee of the California Board of Accountancy (so long as that person is not providing services to the Association other than being an Inspector of Elections), or a notary public.

Members are prohibited from intimidating, harassing, or stalking the Inspector of Election. All Members must provide a safe distance from the Inspector while counting and not engage in any inappropriate conduct against the Inspector.

The following are the powers and duties of the Inspector(s) of Election appointed by the Board of Directors (which powers and duties must be performed in good faith, to the best of the abilities of the Inspector or Inspectors, and as expeditiously as practical, and in a manner that protects the interests of all Members of the Association):

(a) Determine the number of memberships entitled to vote and the voting power of each membership.

(b) Determine the authenticity, validity, and effect of proxies, if any. Pursuant to the Association's Bylaws, voting by proxy shall be permitted.

(c) Receive ballots.

(d) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.

(e) Count and tabulate all votes.

(f) Determine when the polls shall close, consistent with the Governing Documents and the Act;

(g) Determine the tabulated results of the election (with that tabulation being conducted either by the Inspector(s) of Election or the designee of the Inspector(s) of Election in public at a properly noticed open meeting of the Board or the Members. The tabulated results of the election must be reported to the Board promptly and recorded in the next meeting of the Board;

(h) Comply, in a timely manner, with the election document distribution requirements at least 30 days prior to the election date; and

(i) Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with the Act, the Corporations Code, and all applicable rules of the Association regarding the conduct of the election that are not in conflict the Act.

7. Campaign Signs. Campaign signs may not be erected or maintained on any portion of the Common Areas. Campaign signs on a candidate's Lot or on other Residences (with the permission of the Owners of such Lots), shall comply with the requirements listed on the candidate instruction form and shall be removed no later than 10 days following the date of the election.

8. Provision of Mailing Labels. Candidates and other Members are entitled to purchase labels from the Association for mailing election materials by paying the fee currently in place at the time a request for mailing labels is made. Payment must be made at the time the labels are ordered.

9. Proxy Voting and Cumulative Voting. The secret ballot voting requirements of the Act do not prohibit the use of proxy voting (subject to certain constraints imposed by Civil Code section 5130). Use of proxies in connection with director elections is permitted in accordance with the Association's Bylaws. Cumulative voting is permitted in the election of directors in accordance with the Association's Bylaws and CC&Rs.

10. Election of Directors by Acclamation. Qualified candidates can be elected by acclamation if the following conditions are met, pursuant to the Act:

(a) The Association holds a director election at least once every four years, and the Association held a regular election for directors in the last 3 years.

(b) The number of qualified candidates is not more than the number of vacancies to be elected.

(c) Notice for submitting nominations is given at least 90 days before the deadline for submitting nominations. The notice must include the number of open board positions, the deadline for submitting nominations, the manner in which nominations can be submitted, and a statement informing members the seats can be filled by acclamation without balloting.

(d) A reminder notice is sent between 7 and 30 days before the deadline for submitting nominations.

(e) The Association provides, within 7 business days of receiving a nomination, acknowledgement of the nomination (i) to the member who submitted the nomination and (ii) to the nominee that they either qualify or do not. If disqualified, the reason for disqualification must be included along with a right to appeal.

(f) The vote by acclamation takes place at a duly noticed meeting with the name of each qualified candidate seated by acclamation on the agenda.

11. Virtual Elections. To the fullest extent permitted by law, the Association shall be permitted to conduct an election virtually with the ballot count meeting conducted via a virtual meeting or meeting of the members may be conducted entirely by teleconference, without any physical location being held open for the attendance of any director or member, if all of the following conditions are satisfied:

(a) Notice of the first meeting that is conducted under this section for a particular disaster or emergency affecting the association is delivered to members by individual delivery.

(b) The notice for each meeting conducted under this section includes, in addition to other required content for meeting notices, all of the following:

1. Clear technical instructions on how to participate by teleconference.

2. The telephone number and electronic mail address of a person who can provide technical assistance with the teleconference process, both before and during the meeting.



3. A reminder that a member may request individual delivery of meeting notices, with instructions on how to do so.

4. Every director and member has the same ability to participate in the meeting that would exist if the meeting were held in person.

5. Any vote of the directors shall be conducted by a roll call vote.

6. Any person who is entitled to participate in the meeting shall be given the option of participating by telephone.

Pursuant to the Act, the Association must comply with the following with regard to such virtual meeting:

(a) The meeting at which ballots are to be counted and tabulated is conducted by video conference.

(b) The camera is placed in a location such that members can witness the inspector of elections counting and tabulating the votes.

**CERTIFICATE OF SECRETARY  
OF  
THE MABURY RANCH HOMEOWNER'S ASSOCIATION**

I, the undersigned, do hereby certify that:

1. I am the duly appointed and acting Secretary of the Association; and
2. The foregoing Election and Balloting Procedures of THE MABURY RANCH HOMEOWNER'S ASSOCIATION was approved by a majority of a quorum of the Board members during a duly noticed Board meeting held on 12/10/2024.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 20 day of Dec, 2024.

**THE MABURY RANCH HOMEOWNER'S ASSOCIATION**

Dated: 12/20/2024 By: Nancy Edwards  
Name: Nancy Edwards  
Title: Secretary