

Fairways @ Country Club Vista

HOMEOWNERS ASSOCIATION

ELECTION POLICY AND PROCEDURES

For Election of Directors, Voting Regarding Assessments, Governing Documents and the Granting of the Exclusive Rights to Use Common Area

Pursuant to the California Civil Code, Sections 1363.03 et seq (including Sections 1363.03, 1363.04, 1363.05, 1363.09) effective July 1, 2006, the following rules and procedures shall apply for election of Directors, Voting regarding Assessments, Governing Documents and the Granting of the Exclusive Rights to Use Common Area:

1. CALL FOR ELECTION OR OTHER VOTING MEETINGS

The call for a meeting to conduct the business of the Association including the "Notice of Meeting and Agenda" will proceed in the same usual and customary manner set forth in the Association's CC&Rs and Bylaws. The meeting notification process will not change under the guidelines of Civil Code 1363.03.

2. NAME IN NOMINATION

The Association shall mail a "Candidate Nomination Form" to all homeowners at least sixty (60) days prior to the election. Said form must be returned to the Association at least forty-five (45) days prior to the election.

3. ELECTION INSPECTORS

The Board of Directors shall select or appoint "independent third parties" to be the inspector(s) of elections. The Board may choose to have either one or three inspectors of elections. For the purposes of this section, 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 or a candidate for the board of directors or related to a member of the board of directors or a candidate for the board of directors. Additionally, the Board of Directors may appoint the management company currently retained by the Association to act as the election inspector(s).

The purpose and duties of the inspectors of elections is to:

1. Determine the number of homeowners entitled to vote and the voting power of each.
2. Receive ballots.
3. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
4. Count and tabulate all votes.
5. Determine when the polls shall close.
6. Determine the result of the election.
7. 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.

The inspectors of elections are to be appointed after the close of candidate nominations but before the secret ballots are mailed to the homeowners and are to determine to whom the secret ballots shall be returned.

4. SECRET BALLOT

The election process sets forth the procedure for insuring that the ballots cast by the homeowners shall remain confidential until they are counted. The law states that "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 ballot itself is not signed by the voter, but is inserted into an envelope that is [then] sealed. This envelope is inserted into a second envelope that is [then also] 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". A mailing label may affixed but then must be signed by owner. Failure to follow election procedure as adopted by the association will invalidate the ballot and the homeowner's vote.

The second envelope is addressed to the inspector or inspectors of election, who will be tallying the votes. The envelope (secret ballot) may be mailed or delivered by hand to a location specified by the inspector or inspectors of election or complete the ballot at the meeting. The two envelope process is still required in hand delivery of ballots. Please be aware that only those ballots, which are delivered to the inspectors of the election "prior to the polls closing", shall be counted.

5. COUNTING THE VOTES

All votes shall be counted and tabulated by the inspector or inspectors of the election in public at a properly noticed open meeting of the Board of Directors. 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.

As secret ballots are returned to and collected by the election inspector, the inspector shall check off on a "sign-in sheet" that a ballot has been received for the respective unit. The first secret ballot received for any unit shall be the ballot of record and that vote which is counted. Any additional ballot(s) for the same unit shall be deemed invalid and shall be voided.

7. RESULTS OF THE ELECTION

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 homeowners.