

SUN CITY CIVIC ASSOCIATION  
ELECTION OPERATING RULES  
Approved July 28, 2020

APPLICABILITY OF ELECTION OPERATING RULES

These Election Operating Rules shall apply to elections required to be held by secret ballot pursuant to Civil Code Section 5100(a). The Board of Directors may, in its discretion, also determine to apply these Election Operating Rules to govern an election on any topic that is not expressly required by statute to be conducted by secret ballot.

A. ACCESS TO ASSOCIATION COMMUNICATIONS AND RESOURCES

1. All candidates or Members advocating a point of view shall have equal access to all Association media, newsletters, and websites during a campaign for purposes reasonably related to that election. Equal access may include no access to any candidate or Member.
2. The Association will not edit or redact (black out) any content from communications set forth in Section B. The Association may include a statement that the candidate or Member, and not the Association, is solely responsible for the content of the communication.
3. Candidates, including those who are not incumbents, and Members advocating a point of view reasonably related to the election, shall have equal access to any Common Area meeting space, if any exists. This access shall be provided at no charge for purposes reasonably related to the election, except that the Association may implement procedures for reserving Common Area meeting spaces and access may not be provided if the area is already in use or has already been reserved.
4. The Association must 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.

B. CANDIDATE QUALIFICATIONS

1. Qualifications for candidates to the Board of Directors shall include:
  - a. Candidates must be Members of the Association. Any Member that is not a natural person (such as a corporate Member or trust) may appoint a natural person to be a candidate on its behalf.
  - b. If the Candidate, if elected, would be serving on the Board at the same time as another Member who holds a joint ownership interest in the same separate interest parcel as the Candidate and the other Member is either properly nominated for the current election or an incumbent Director, the Candidate may be disqualified.
  - c. Candidates must not be delinquent in the payment of any regular or special assessments, with the exception of Owners who have entered into a valid payment plan with the Association.
  - d. Candidates must have held membership in the Association for at least one (1) year prior to the date of the election.
  - e. Candidates must not have been convicted of a crime that would prevent the Association from obtaining or maintaining fidelity bond coverage required by Civil Code Section 5806.

SUN CITY CIVIC ASSOCIATION  
ELECTION OPERATING RULES

Approved July 28, 2020

C. NOMINATIONS

1. At least thirty (30) days prior to the deadline for submission of candidacy nominations, the Association shall provide Members with notice (via general delivery) of the procedures and deadline for submitting a candidacy nomination.
2. Procedures for nomination of candidates to the Board shall allow for a Member to nominate himself or herself and shall be consistent with the Governing Documents.

D. VOTING

1. At least thirty (30) days prior to the mailing of ballots, the Association shall prepare:
  - a. A candidate registration list showing the names of all candidates that will appear on the ballot; and
  - b. A voter list which includes the name, voting power, mailing address, and separate interest address or parcel number for each Member.
2. Members have the right to inspect and verify the accuracy of their individual information on both lists identified in Section D1. Errors reported to the Inspector(s) of Election shall be corrected within two (2) business days.
3. The Board may, but is not required to, set the date the ballots are mailed or otherwise delivered as the “voting cut-off date” to establish membership status for voting.
4. Every Member of record shall have the right to vote, unless the Board adopts the voting cut-off date and an individual was not a Member of Record as of that date.
5. The voting power of each Member shall be as described in the Association’s Bylaws and/or Declaration.
6. Proxies are prohibited per the Association’s Bylaws, Article 5, Section 5.3.
7. Cumulative voting is prohibited per the Association’s Bylaws, Article 6, Section 6.4.

E. INSPECTOR(S) OF ELECTION

1. Inspector(s) of Elections (i.e. independent third parties) shall be appointed by the Board. The number of Inspector(s) of Elections shall be one (1) or three (3). If there are three (3) Inspectors of Elections, the decision or act of a majority shall be the decision or act of all.
2. The following persons may not serve as Inspector(s) of Elections: Board Members, candidates, persons who are related to Board Members, persons who are related to candidates or any party who is currently employed or under contract with the Association for compensable services.
3. The following persons are independent third parties and may serve as Inspector(s) of Elections: Any third-party person or company hired by the Association solely for this specific purpose. Association Members may serve as Inspector(s) of Elections if they are not a Director, a candidate, or a person related to any Director or candidate.

SUN CITY CIVIC ASSOCIATION  
ELECTION OPERATING RULES

Approved July 28, 2020

4. Independent third parties may be compensated for performing Inspector(s) of Elections services. Association Members, however, are not entitled to compensation for serving as Inspector(s) of Elections.
5. Inspector(s) of Elections may appoint and oversee additional independent third parties to verify signatures and to count and tabulate votes.
6. The Inspector(s) of Elections are charged with performing the following duties:
  - a. Determine the number of memberships entitled to vote and the voting power of each.
  - b. Determine the existence of quorum.
  - c. Receive ballots or determine a location where ballots are to be delivered.
  - d. Verify the Member's information and signature on the outer envelope. For mailed ballots, the Inspector(s) may verify the Member's information and signature on the outer envelope prior to the election.
  - e. Hear and determine challenges and questions in any way arising out of balloting or the election.
  - f. Count and tabulate all votes.
  - g. Determine when the polls shall close, consistent with the Association's Governing Documents.
  - h. Determine the tabulated results of the election.
  - i. Report the tabulated results of the election or balloting promptly to the Board of Directors to ensure that the Board can publicize the results to the homeowners within 15 days of the election.
  - j. Retain the ballots at a location designated by the Inspector(s) of Elections pursuant to Civil Code Section 5125.
  - k. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with Civil Code Sections 5100 - 5145, the Corporations Code, and these Election Operating Rules to the extent not in conflict with Civil Code Sections 5100 - 5145.

F. ELECTION PROCEDURES

1. After the deadline for submission of candidacy nominations, and at least thirty (30) days prior to the mailing of ballots, the Association shall prepare the candidacy registration list and voter list, pursuant to Section D above.
2. At least thirty (30) days prior to the mailing of ballots, the Association shall provide Members notice of the following (via general delivery):
  - a. The date, time, and physical location for the return of ballots;
  - b. The date, time, and location of meeting; and
  - c. The names of all candidates that will appear on the ballot.

At least thirty (30) days prior to the deadline for voting, the Inspector(s) of Elections or Association shall mail or otherwise deliver ballots to the Members. Within this same timeframe, a copy of these Election Operating Rules shall be provided to the Members either:

- a. By mail with the ballots; or

SUN CITY CIVIC ASSOCIATION  
ELECTION OPERATING RULES

Approved July 28, 2020

- b. By posting to a website and including the corresponding website address on the ballot together with the phrase in at least 12-point font: “The rules governing this election may be found here: ...”
3. The voting period for elections shall commence when the notice of the meeting and/or ballots have been mailed/ delivered to all Members and shall terminate as stated in the notice and/or ballot or as determined by the Inspector(s) of Elections, consistent with the Governing Documents.
4. The form and content of election materials, i.e., secret written ballot, envelopes, proxies, etc., shall conform to the requirements of the Civil Code.
5. No Member shall be denied a ballot, unless the Board adopts the voting cut-off date and an individual was not a Member of Record as of that date.
  - a. No person who holds a valid general power of attorney for a Member shall be denied a ballot, if requested.
  - b. A ballot cast by a person who holds a valid general power of attorney for a Member shall be counted if received timely by the Inspector(s) of Elections.
6. Once a ballot has been received by the Inspector(s) of Elections, it shall be irrevocable. If proxies are allowed and a Member submits both a proxy and a ballot to the Inspector(s) of Elections, the ballot will supersede the proxy.
7. The authenticity, validity and effect of proxies submitted by Members shall be determined by the Inspector(s) of Elections, consistent with the Association’s Governing Documents and California law.
8. Proxies may not be used in lieu of a ballot.
9. Votes shall be counted and tabulated by the Inspector(s) of Elections or their designee(s) in an open area at a properly noticed open meeting of the Board or Members. Any candidate or other Member may witness the counting and tabulation of the votes. To ensure anonymity of the voting, Members must stand at least six (6) feet away from the Inspector(s) of Elections or their designee(s) during the tabulation process. Members are prohibited from speaking to the Inspector(s) of Elections or their designee(s) during the tabulation process or interrupting the tabulation process in any way.
10. Notice of the tabulated results of the election shall be provided to the Members (by general delivery) within fifteen (15) days of the election.
11. Ballots, signed voter envelopes, the voter list, and the candidate registration list shall be retained in the custody of the Inspector(s) of Elections or at a location designated by the Inspector(s) of Elections as set forth in Civil Code Section 5125, at which time the ballots shall be transferred to the Association and kept with the records of the Association until at least three (3) years after the date of the election.
12. If there is a recount or other challenge to the election process, the Inspector(s) of Elections shall, upon written request, make the ballots available for inspection and review by an Association Member or his or her authorized representative, at a location

SUN CITY CIVIC ASSOCIATION  
ELECTION OPERATING RULES

Approved July 28, 2020

and time as determined by the Inspector(s) of Elections. The recount shall be conducted in a manner that preserves the confidentiality of the vote. The candidate or Member requesting the recount shall be responsible for any and all costs related to the recount, including compensation to the Inspector(s) of Elections, if applicable.

G. ADJOURNED FOR LACK OF QUORUM/RECESSED MEETING

1. If any membership meeting is adjourned to another date for lack of quorum, ballots already received by the Inspector(s) of Elections in properly completed, sealed Envelopes will be valid for any reconvened meeting.
2. The ballots will be counted during a properly noticed open meeting of the Board or during a membership meeting. The Inspectors may request that any meeting be recessed to allow the Inspectors to continue the counting and tabulation of the ballots at another time. Notice of the recessed meeting will be given as required by law. The Inspectors will continue to maintain custody of all ballots until the counting and tabulation is complete.

H. OBSERVATION/CUSTODY OF BALLOTS

1. Any candidate or other member of the Association may witness the opening, counting and tabulation of the ballots.
2. No person, including any member of the Association, any employee or Manager may open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.
3. The sealed ballots at all times will be in the custody of the Inspector of Election or a party designated by the Inspector of Election until twelve (12) months after the election, at which time custody is transferred to the Association. (Civil Code §5125, Corporations Code 5145)

I. CONSULTATION WITH ASSOCIATION LEGAL COUNSEL

1. The Inspectors will have the authority to confer with Association legal counsel in advance or at the meeting. In that consultation, legal counsel represents the Association and does not represent the members, Inspectors, Board members, management or any other person. By the adoption of these rules, Association legal counsel has been authorized by the Board of Directors to provide advice to the Inspector and to waive the attorney-client confidential communication privilege as determined necessary or prudent by the attorney to inform and advise the Inspectors regarding issues related to the Inspectors performing their duties for the Association.
2. The Inspectors may confer with Association legal counsel outside the presence of the Members.

J. VOTING RESULTING IN A TIE

For election of Directors, in the event of a tie vote among any number of the candidates, the Association will notice a special election meeting and send out ballots to all members for a vote to break the tie. Said vote shall be conducted in accordance with the procedures herein; to the extent they are applicable to a run-off vote. No previously cast ballots will be used at the meeting to break the tie.

SUN CITY CIVIC ASSOCIATION  
ELECTION OPERATING RULES

Approved July 28, 2020

K. ACCESS TO ASSOCIATION & USE OF FUNDS

1. If any candidate or member advocating a point of view is provided access to any Association media, including newsletters and internet web sites, during any campaign, for purposes that are reasonably related to that election, then all candidates and members advocating a point of view shall be provided with equal access for purposes reasonably related to that election.
2. The Association shall not edit or redact any content from these communications but will provide a statement specifying that the candidate or member, not the Association, is responsible for that content.
3. (Civil Code 5105)