

AUBURN VALLEY PROPERTY OWNERS' ASSOCIATION (AVPOA)

ELECTION RULES

The Election Rules (Rules) set forth below are intended to fully comply with the election requirements of the California Civil Code, as recently amended and effective January 1, 2020. The following Rules amend, supplement and restate the current Election Rules and Procedures.

1. **Equal Access to Association Media is Provided**. Any and all candidates or members advocating a point of view will be provided access to AVPOA media (i.e. community emails, the AVPOA website, etc.) for purposes that are reasonably related to the election. The AVPOA will not edit or redact any content from those communications but may include a statement specifying that the candidate or member, and not the AVPOA, is responsible for the content.

2. **Equal Access to Common Area Meeting Space**. The AVPOA will ensure equal access to the AVPOA meeting space for those times when the AVPOA has use of the meeting space at the Auburn Valley Golf Club, or elsewhere, during a campaign, at no cost, to all candidates, including non-incumbents, and to all members advocating a point of view (including those not endorsed by the AVPOA Board of Directors (Board)) for purposes reasonably related to the election.

3. **Timeline for Nomination and Election of AVPOA Board of Directors**. The current term of office for each Board member is two (2) years. The terms are staggered so there are always incumbent Board members as well as potential new Board members. Each year, at the General Membership Meeting in April, an election will take place to fill the seats of the expiring term Board Members. Prior to the April meeting, the below schedule will be followed:
 - a. February Board Meeting (second Saturday in February) – the sitting Board will issue a “call for candidates” in order to solicit members to run for election to the Board. This “call” will also be published on the AVPOA website and in an email sent to all community members for whom the AVPOA has an email address.
 - b. Between the second Saturday in February and second Saturday in March, nominations will be accepted for candidates for election to the Board. As nominations are received, the nominated person will be asked to verify his or her information on the Voter and Candidate lists and to report any errors to the Inspector of Elections. All such errors will be promptly corrected and corrected information will be reflected on all delivered election materials.
 - c. March Board Meeting (second Saturday in March) - deadline for submitting nominations.

- d. Immediately following the March Board meeting – election materials (including a copy of these Rules, a Candidates List and Ballot Materials) will be delivered to all members of the community. Members may cast their ballot by mailing it to the Inspector of Elections in the envelope provided or delivering it to the Board at the beginning of the April General Membership Meeting. Any ballots mailed will be irrevocable and a member mailing his or her ballot will not be permitted to cast another vote, even if a nomination is made from the floor as described below.
 - e. April General Membership Meeting – all ballots will be counted by the Inspector of Elections and the result of the election will be announced at the conclusion of the Membership Meeting to the extent possible or within 15 days following the election.
4. **Candidate Qualifications** A candidate for election to the Board of Directors shall be current in the payment of regular and special assessments. This requirement applies to candidates for election to the Board of Directors as well as to sitting members of the Board of Directors. A person is not qualified to be a candidate for election to the Board of Directors if the person, if elected, would be serving on the board at the same time as another person who holds a joint ownership interest in the same lot or residence and the other person is either properly nominated for the current election or is an incumbent director. A candidate for election shall have been a member of the AVPOA and shall have lived in the Auburn Valley community not less than six (6) months. A person is not qualified to be a candidate if that person's past criminal conviction would prevent the AVPOA from purchasing fidelity bond coverage.
5. **Nomination Procedures** All AVPOA members meeting the above specified qualifications are eligible to be nominated as a candidate for election to the AVPOA Board of Directors. At the AVPOA Board meeting in February, the Board will announce that an election will be held at the General Membership Meeting in April. At the February meeting, the Board will encourage anyone interested in serving on the Board to place his or her name into nomination. The Board will further announce that the deadline for nominating candidates to stand for election to the Board will be at the close of the membership meeting in March. The AVPOA Board may, but is not required to, appoint a nominating committee to search the community for qualified candidates and to nominate such candidates as are willing to stand for election. Generally, it is expected that candidates for seats on the Board will self-nominate. Further, at the March meeting, the floor will be open for further nominations. All members in good standing may nominate any qualified individual as a candidate for election to the Board.
6. **Floor Nominations and Write-Ins** Candidates for election to the Board of Directors may be nominated in any manner, including from the floor at a membership meeting. A candidate may nominate himself or herself. Write-in candidates are also permitted

7. **Qualifications for Voting** All members of the AVPOA are entitled to vote. As noted herein, the only basis for prohibiting an individual from voting is if that individual is not a member of the AVPOA at the time ballots are provided. Each lot or residence is permitted one vote regardless of the number of persons who may own that lot or residence.

8. **Method of Selecting Inspector of Elections** The Inspector of Elections may not be an individual or business entity under contract with the AVPOA for any compensable service. The Inspector of Elections will be selected by the AVPOA Board of Directors and will oversee the preparation and mailing of balloting materials as well as the tabulation of returned ballots.

9. **Inspector to Appoint/Oversee Additional Persons** The Inspector of Elections may appoint additional persons to assist in preparing and mailing the election and balloting materials and will be responsible for overseeing the activities of such appointed persons.

10. **Retention of Election Materials, Including Voter List and Candidate List** AVPOA election materials, a candidate registration list and a voter list must be prepared and maintained. The voter list must include the name, voting power, and physical address of the voter's residence or the parcel number or both. The mailing address must also be listed on the voter list if it is different from the physical address or if only the parcel number is listed. AVPOA members will be permitted to verify the accuracy of their individual information on both the candidate list and voter list as noted in Paragraph 3.b. above before ballots are distributed and any reported errors on either list must be promptly corrected by the Inspector of Elections prior to delivery of election and balloting materials.

11. **Provision of Ballots to Members** A member of the AVPOA is a person who owns a lot or residence in the Auburn Valley community. AVPOA must provide a ballot to all members of the AVPOA. A person with a General Power of Attorney for a member must be given a ballot and that ballot must be counted if returned in a timely manner. These Election Rules prohibit the denial of a ballot to a member for any reason other than not being a member at the time when ballots are distributed.

12. **Delivery of Election Rules with Ballots** The Inspector of Elections must deliver or cause to be delivered to all AVPOA members at least 30 days before an election (a) the ballots, and (b) a copy of these Election Rules. The ballots must be delivered by First Class U.S. Postal Service mail. The Election Rules may be delivered by mail or by posting on the AVPOA website as long as website address is noted on the ballot and there is a notation, in at least 12-point font, that reads **"The rules governing this election may be found here"**

13. **Elections by Affirmation is Not Permitted** Regardless of the number of candidates standing for election and even in the event the election is uncontested (there are only enough nominated candidates to fill the Board vacancies), Election by Affirmation is not permitted. Secret ballots must still be sent and an election must still be conducted pursuant to the Rules set forth herein.