



Board of Directors Election Policies & Guidelines Manual

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SAMLARC Board of Directors Election Policies & Guidelines Manual

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Foreword

The SAMLARC Election Manual pertains to the SAMLARC Board of Director Election only. This manual reflects the rules established by the Election Committee and adopted by the Board of Directors as well as applicable provisions from the SAMLARC Governing Documents. Homeowner Association elections are governed by the association's governing documents, Corporation Code and Civil Code. The hierarchy of authority is as follows:

- Corporations Code and Civil Code to the extent they apply
- CC&Rs
- Bylaws
- Articles of Incorporation



Board of Directors Election Policies & Guidelines Manual

Definitions

Rancho Santa Margarita Landscape and Recreation Corporation (SAMLARC) - The master development plan (the "Master Plan") of Rancho Santa Margarita Joint Venture, a California General Partnership (the "Master Developer") of the master planned community known as Rancho Santa Margarita and the atypical provisions of the Articles of Incorporation, Bylaws and Declaration of Covenants, Conditions and Restrictions (the "Management Documents") for SAMLARC.

Election Committee - Bylaws Article IV Election of Directors stated an Election Committee shall be appointed annually by the Board to make rules for and supervise nominations, voting procedures, voting requirements and the orderly and fair election of directors. The Election Committee shall consist of a Chairman, who shall be a member of the Board, and two (2) other person who shall be Members. The Election Committee shall make as many nominations for election to the Board as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

Any person who is qualified to be elected to the Board may also be nominated by petition delivered to an officer of SAMLARC, signed within six (6) months preceding the next time directors will be elected, by Members representing two percent (2%) of the voting power of SAMLARC disregarding any provision for cumulative voting as long as such total voting power is less than 5,000 votes, and one-twentieth of one percent of the total voting power but not less than one hundred votes at such time as such total voting power disregarding any provision for cumulative voting totals 5,000 or more votes.

Nominations for the Board shall be closed one hundred (100) days before the date directors are to be elected. No nominations for the Board can be made after that date.

Absentee Ballot - A written ballot used by a Delegate when the Delegate cannot be physically present at a meeting of Delegates to establish quorum and to cast the votes as instructed by the Members of the Delegate District. The ballot can only be used for casting the vote of the Delegate on those matters stated in the ballot.

Apartment Vote – An apartment lot Owner may delegate its vote and right of enjoyment in and to any of the recreational facilities owned and/or controlled by SAMLARC to its tenants. The allocation of voting rights and assessments shall be made in the manner prescribed in the SAMLARC Declaration.

Association - An "association" is defined as a "nonprofit corporation or unincorporated association created for the purpose of managing a common interest development." (Civ. Code 4080.) The association is the governing body for common interest developments, whether residential, commercial, industrial, mixed-use or otherwise. A homeowners association (HOA) can be incorporated or unincorporated. It is formed for the purpose of managing a residential development. HOAs are generally associated with developments consisting of single family homes (SFH) on individual lots. The homes can either be detached, stand-alone structures or they can be townhomes. In the Davis-Stirling Act, it falls under the category of Planned Unit Developments.

Covered Property - Shall mean and refer to the Initial Covered Property and, subsequent to the annexation thereof pursuant to the Article of this Declaration entitled "Annexations," any real property which shall become subject to this Declaration. (Section 1.17 of the CC&Rs)

Davis-Stirling - The Davis-Stirling Common Interest Development Act is the of the portion of the California Civil Code beginning with section 4000,^[1] which governs condominium, cooperative, and planned unit development communities in California. It was authored by Assemblyman Lawrence W. "Larry" Stirling and enacted in 1985 by the California State Legislature. In 2012, the Act was comprehensively reorganized and re-codified by Assembly Bill 805.^[2]

Delegate – A person appointed in the manner provided in the SAMLARC Management Documents to represent all of the Members within the portion of the Covered Property comprising the Delegate District of such Delegate to represent the collective voting power of all such Members at meetings of SAMLARC. All Delegates, with the exception of the Sub Maintenance Delegate elected by the declarants, must be members of SAMLARC. Delegates may not vote by proxy (Corporations Code 7152). Any (Sub Maintenance Delegate) shall have the power to delegate to any other person and/or to committee any of the duties and power of a delegate under the SAMLARC management documents except the duty and power to vote.

All Delegates shall furnish written confirmation to the Board of their appointment or election together with the official address for the purpose of providing notice to Delegates of SAMLARC matters. SAMLARC shall not be obligated to recognize any Delegate, or any person to which such Delegate has delegated any powers and duties, or the votes or assents of members cast by any such person unless it has first received written confirmation of such appointment or election from the Delegate.

Delegate District - those portions of the Covered Property governed by Subordinate Maintenance Corporations, and those portions of the Covered Property not governed by a Subordinate Maintenance which were designated as a separate Delegate District at the time of annexation into SAMLARC.

Members of the Delegate District

Owners of Record and on Title within that Delegate District.

Non Sub Maintenance Delegate District - Property covered by the SAMLARC Management Documents not governed by a Subordinate Maintenance Corporation and which were designated as a Delegate District in recorded documents as part of the annexation of property into SAMLARC.

Sub Maintenance Corporation – shall mean and refer to any nonprofit mutual benefit corporation which is formed among other things to facilitate the maintenance and operation of any portion of the Covered Property which is either owned in common by the Owners who are members of such nonprofit mutual benefit corporation or which owned by such nonprofit mutual benefit Corporation for the benefit of the Owners who are its members.



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Chapter One General Overview

Every home within SAMLARC is represented by a Delegate and falls within a Delegate District. SAMLARC is divided into 87 Delegate Districts. Delegate District is defined as either a Subordinate Maintenance Corporation within SAMLARC; a defined neighborhood not governed by a Subordinate Maintenance Corporation; or an apartment community. Within SAMLARC, there are 54 Delegate Districts represented by a Subordinate Maintenance Corporation; 24 Delegate Districts comprised of neighborhoods that are not represented by a Subordinate Maintenance Corporation; 8 apartment communities; and 1 self-storage property with a residence. Knowing whether a Delegate District is designated as a Subordinate Maintenance Corporation is important as different procedures for selecting the Delegate apply to Districts designated as Subordinate Maintenance Corporations than those which apply to Districts not so designated.

All meetings of SAMLARC shall be attended by Delegates representing and casting the votes of the members of their respective Delegate Districts. [Bylaws: Section 3.09] A Delegate may "attend" by submitting an Absentee Ballot.

The law, rules and procedures for conducting SAMLARC elections differ from those that apply to Delegate District elections.

Chapter 4, Article 2 of the Davis-Stirling Act of California *Civil Code* section Civil Code §5105(a) describes the procedures and rules governing elections of common interest developments generally. However, Civil Code §5105, 5110, 5115, 5120, 5125, 5130, 5145 do not apply to votes cast by Delegates as Civil Code §5100(d) provides:

"The procedures set forth in this section shall apply to votes cast directly by the membership, but do not apply to votes cast by delegates or other elected representatives."

Except for sections 5105, 5110, 5115, 5120, 5125, 5130 and 5145, all other provisions of the Davis-Stirling Act, and in particular those pertaining to campaign funding provided in Civil Code §5135 apply to votes cast by Delegates.

Elections of Delegate Districts are subject to Civil Code §5105(a).

SAMLARC's Management Documents include the Amended and Restated Declaration of Covenants, Conditions and Restrictions Rancho Santa Margarita [hereinafter sometimes referred to as the "CC&Rs" (recorded April 24, 1986 as Document No. 86-16298 of the Official Records of Orange County)], the Bylaws, the Articles and all duly adopted and published Rules, Policies and Guidelines and any amendments to the foregoing. [CC&Rs: Section 1.34]

SAMLARC's Bylaws describe general procedures to be followed when conducting SAMLARC elections. [Bylaws: See generally Article III sections 3.08 through 3.17 and Article IV Sections 4.01 through 4.07]

Under the Management Documents, the rules and procedures governing the election of Directors of SAMLARC are promulgated by the Election Committee.

SAMLARC's Management Documents further provide that the Board of Directors may adopt rules and procedures, and forms to be used in all Delegate District elections. Rules, procedures and forms for conducting

Delegate District elections must conform to and may not conflict with applicable provisions of the Davis-Stirling Act, and in particular Civil Code §5105(a) and Civil Code §5135). Furthermore, the Davis-Stirling Act controls when there is any conflict between SAMLARC's Management Documents and applicable law relating to conducting elections.

Civil Code §4205. Hierarchy of Document Authority.

- (a) To the extent of any conflict between the governing documents and the law, the law shall prevail.
- (b) To the extent of any conflict between the articles of incorporation and the declaration, the declaration shall prevail.
- (c) To the extent of any conflict between the bylaws and the articles of incorporation or declaration, the articles of incorporation or declaration shall prevail.
- (d) To the extent of any conflict between the operating rules and the bylaws, articles of incorporation, or declaration, the bylaws, articles of incorporation, or declaration shall prevail.

Written notice of any action requiring the vote of the membership shall be submitted to the members not less than thirty-five (35) days or more than ninety (90) days prior to the date of the SAMLARC meeting at which such actions are to be considered. Within such period of time, each of the Delegates shall provide an opportunity for each such Member to execute proxies, cast written ballots or approve or disapprove any actions in accordance with the procedures for voting adopted by the Board. [Bylaws: Section 3.13].

Certain holders of Mortgages have the right to receive notices. Please refer to the SAMLARC Management Documents for more information.

Membership Lists:

A membership list is defined to include a member's name, property address, and mailing address. Civil Code §5200(a)(9)

Members are entitled to the membership list. In lieu of providing the list, SAMLARC's policy is:

- Candidate or Member will provide staff with prepaid stuffed envelopes with Candidate or Member return address plus a sample of what is being mailed.
- Staff will adhere members address labels and mail on behalf of Candidate/Member
- Candidates shall only provide statements that are appropriate and not inflammatory.

Right to Inspect:

Except for telephone numbers, members generally have the right to inspect and copy the association's membership list. Civil Code §5205(b)

Copy Costs. Associations can bill the requesting member for the direct and actual cost of copying the membership list. Associations must first inform the member of the costs before copying the requested documents. Civil Code §5205(g)

Deadline for Producing. The right to inspect is at reasonable times, upon five business days' written demand. Civil Code §5210(b)

Purpose for Request. The member requesting the list shall state the purpose for the request, which purpose shall be reasonably related to the requester's interest as a member. If the board reasonably believes that the information in the list will be used for another purpose, it may deny the member access to the list. If the request is denied, in any subsequent action brought by the member the association will have the burden to prove that the member would have used the information for purposes unrelated to his interest as a member. Civil Code §5200(a).

Corporate Asset:

A membership list is a corporate asset. Corp. Code §8338(a). Without the consent of the board a membership list may not be:

- Used to solicit money or property unless such money or property will be used solely to solicit the vote of the members in an election to be held by their corporation.

- Used for any purpose which the user does not reasonably and in good faith believe will benefit the corporation.
- Used for any commercial purpose or purpose in competition with the corporation.
- Provided to non-members.

Penalty for Misuse. Any person who misuses a membership list is liable for any damage caused by the misuse, including punitive damages for a fraudulent or malicious misuse. Corp. Code §8338(b). Petition to Set Aside Request. If an association believes that a membership list will be used for a purpose not reasonably related to the interests of members, it can petition the Orange County superior court for an order setting aside the request. Corp. Code §8331.



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Chapter Two Board of Directors Election

Section 1- Elections to which these Rules Shall Apply:

Section 1(a) - Application of Rules:

These rules shall apply only to the SAMLARC Board of Directors Elections.

Section 2 - Election of Directors

Article IV - Bylaws Section 4.01 -Number and Qualification of Directors – A person may serve as a director only as long as such person is not a director or officer of a Subordinate Maintenance Corporation.

Section 2.1 - Election Committee:

The Association's Board of Directors shall annually appoint an Election Committee in the month of April each year to make rules for and supervise nominations, voting procedures, voting requirements and the orderly and fair election of directors. The Election Committee shall consist of a Chairman, who shall be a member of the Board, and two (2) other persons who shall be Members. The Election Committee shall make as many nominations for election to the Board as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. [Bylaws: Article IV, Section 4.03].

Candidates for appointment to the Election Committee must sign a Code of Conduct stating that they will implement the rules adopted by the Board.

The Board can, at any time, remove any Election Committee Member who fails to follow the rules adopted by the Board and replace with a member who will follow the rules.

While SAMLARC is not *required* to follow 5100(d), there is no prohibition against SAMLARC adopting election procedures described in the Civil Code which do not violate SAMLARC governing documents or applicable law. An election rule must be aligned with a lawful business or stated purpose of the Association – refer to Civ. Code §5105(a)

The Election Committee shall use these rules and the Corporations Code, shall consider the advice of the Association's corporate counsel, and shall attempt, in so far as possible, with fairness to all, to allow the vote of each Member, and be consistent, in the discharge of his/her responsibilities.

Each Election Committee Member is required to be responsible for:

1. Review of Candidate Application Packet information
2. Review and be familiar with Election Policies & Guidelines Manual
3. Review and be familiar with Bylaws, CC&Rs, Davis Stirling Act, and Corporations Code as it pertains to elections of Directors.
4. Committee Chair to provide report of each Election Committee Meeting at all Board of Directors Meetings

Section 2.1(a) - Election Committee Rules for Nominating Candidates for Election to the Board of Directors:

1. Applications for Nomination to run for the Board of Directors shall be deemed final as submitted, at the close of the candidacy application deadline.
2. Notification to all applicants as to their nomination status shall be made by the Election Committee Chair or designee on behalf of the Election Committee within ten (10) business days after close of nominations.

3. Applicants must demonstrate that they have a clear understanding of the obligations, operations and financial workings of SAMLARC and have the ability to clearly communicate that understanding. Non Member Applicants must demonstrate they have a committed interest in SAMLARC and the Rancho Santa Margarita community.
4. It is at the discretion of the Election Committee to conduct interviews of applicants and/or to conduct orientation meetings for the purpose of providing information.
5. The Election Committee shall be established and appointed by the Board of Directors in April of each year. Election Policies & Guidelines will be reviewed and approved by the Board of Directors by September Board of Directors meeting of each year.
6. The deadline to file an Application for Nomination to run for the Board of Directors shall be no less than 130 days prior to the election date, which may be extended up to 29 days by the Election Committee if sufficient applications are not received. The additional 30 days between 100 and 130 days allows the Election Committee to review the applications, interview nominees and secure additional nominees if necessary. Nominations cannot be made earlier than 120 days prior to the Election. Corporations code 7522(a).
7. Nominations for the Board are made through application or by petition and shall be closed one hundred (100) days before the date directors are to be elected. No nominations for the Board can be made after that date.
8. When all of the petition requirements are satisfied the person(s) named in the petition will receive an automatic nomination.

Section 2.2 - Qualifications to be Nominated for Election to the Board of Directors by Application:

Section 2.2(a)

A person may serve as a director only as long as such person is not a director or officer of a Subordinate Maintenance Corporation [Bylaws: Article IV, Section 4.01].

Section 2.2(b)

Any person who is qualified to be elected to the Board may also be nominated by petition delivered to an officer of SAMLARC [Bylaws: Section 4.03]. At a minimum, any petition signature must be Owner of Record (SAMLARC Member); with only one Owner per residence allowed. Signature must be legible, followed by the printed version of the name, and the address of the signor.

Section 2.2(c)

A person may not be nominated if he/she has been convicted of a felony. Self-certification is acceptable and included on the application form.

Section 2.2(d)

A person if elected, who is a member of the Rancho Santa Margarita City Council, or Planning Commission must resign that position or their position as a SAMLARC Board Director.

Section 2.2(e)

A person may not be nominated who is married to, or related by blood, or sharing a common household with any other Member of the Board of Directors or is an employee of the management company.

Section 2.2(f)

A person may not be nominated who is a party in an active legal action against the Association.

Section 2.2 (g):

Candidate rescission of nomination and candidacy

In the event a Candidate gives notice of their written rescission of Candidacy after nomination, that Candidate(s) shall be deemed to have stated their intention not to serve if elected and that statement will be interpreted as a resignation if that candidate is elected.

Nominees who have become incapacitated, deceased, unqualified or deemed unqualified to be nominated shall be deemed to have resigned, if elected, thereby creating a vacancy which may be considered for appointment by the Board.

Section 2.2(h):

No Member may be nominated for election to the Board of Directors who, after a fair and reasonable hearing before the Board of Directors, or other appropriate Association committee, has been determined to:

1. Owe the Association an undisputed debt for assessments, penalties, costs, interest, late charges, judgment or fine, which is more than 90 days old.
2. For purposes of this rule a violation is successfully challenged by the Member when the Member has: (A) opposed the violation with credible evidence, and (B) requested and attended a hearing before the Board of Directors or other appropriate Association committee, where the hearing resulted in a determination generally favorable to the Member. Any other action by the Member or result following a hearing is an unsuccessful challenge.

Section 2.3 – Terms of Office:

All successor directors shall be elected for two (2) year terms at alternate annual meetings of SAMLARC, but if any such annual meeting is not held, or if the directors are not elected thereat, the directors may be elected for two (2) year terms at any special meeting of SAMLARC held for that purpose. [Bylaws: Section 4.02]. All directors shall hold office until their respective successors are elected. [Bylaws: Section 4.02]

At any time that it has been determined by the Election Committee that there are fewer nominations than seats available in the election, the Election Committee shall notify the Board of Directors. It is the responsibility of the Board of Directors to contact the current Directors whose terms end with the election and have not applied to run again, to determine their interest in continuing to serve as a "holdover" Director. If there are more Directors expressing interest in serving as a "holdover" Director than seats available, the Board of Directors shall determine and appoint the successful "holdover" Director(s). If no Director expresses interest in serving as a "holdover" Director, the uninterested Director(s) shall be requested to resign in writing effective on the date of the Election, thereby, creating a vacancy on the Board for consideration of appointment by the Board of Directors.

Section 2.4 - By Secret Written Ballot:

Election of directors shall be by secret written ballot. [Bylaws: Section 4.02]

Section 2.5 - Cumulative Voting:

All members shall have the right to cumulate votes. Prior to the voting, the names of all candidates nominated by petition or by the Election Committee as aforesaid shall be placed in nomination and notice of the intention to cumulate votes shall be given. [Bylaws: Section 4.04]

Section 2.6 - Removal of Directors:

At any meeting of SAMLARC of which notice has been properly given as provided in the Bylaws, the entire Board or any individual may be removed from office. The entire Board or any individual director may be removed from office without cause by a majority of the votes cast in the voting on any motion or resolution for removal; however, that if SAMLARC has a voting power of less than fifty (50) votes, then such removal must be approved by an affirmative vote of a majority of all the votes entitled to be cast. However, unless the entire Board is removed, an individual director shall not be removed prior to the expiration of his term of office when the votes cast against removal, or not consenting in writing to such. [Bylaws: Section 4.06]

Section 2.7 – Vacancies:

A vacancy or vacancies shall be deemed to exist on the Board in case of the death, resignation, or removal of any director. If the authorized number of directors has been increased at any meeting of SAMLARC, or at an adjournment thereof, without an election of directors required to fill such positions, or if the Delegates, with the voting power of their members fail to at any time elect the full number of the authorized directors, a vacancy or vacancies shall be deemed to exist. Vacancies on the Board, except for a vacancy created by the removal of a director, may be filled by a vote of a majority of the remaining directors, through less than a quorum, or by a sole remaining director, and each director so elected shall hold office until his successor is elected at an annual meeting of SAMLARC, or at a special meeting called for that purpose. The Board shall be prohibited from filling a vacancy created by the removal of a director or directors except with the vote or written assent of the voting power prescribed under the section entitled "general limitations and restrictions on the powers of the board". If any director tenders his resignation to the Board, the Board shall have power to elect a successor to take office at such time as the resignation shall become effective. No reduction of the number of directors shall have the effect of removing any director prior to the expiration of his term of office. [See Bylaws: section 4.07]

Section 3 - Member Voting Qualifications:

Section 3.1 - Qualifications for Membership Voting:

Only Owners of record, as defined in the Association's CC&Rs, are qualified to be a Member of the Association (CC&Rs : Article I, Section 1.28). A Member shall be entitled to one (1) vote for each Lot or Unit owned. Apartment Owners shall have one (1) vote for each Apartment Unit owned (CC&Rs: Article V, Section 5.02(b)). When more than one person holds an interest in any Lot or Unit, all such persons shall be Members. The vote for such Lot or Unit shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Apartment Lot or Unit.

Section 3.2 – Write-In Candidates:

Write-in candidates are not permitted.

Section 4 - Campaign Rules

Section 4.1 - Content:

With regard to SAMLARC materials both written and electronic, the Association shall not edit or redact any content from Candidate messages, but may include a statement specifying that the Candidate, and not the Association, is responsible for the content of any published statement. Candidate statements shall be limited to 250 words. Statement exceeding 250 words shall be cut at 250 words.

Where the election is not for election of a Director and is "for" or "against" an issue or ballot measure, then the Association shall not edit or redact any content from a Member statement, but may include a statement specifying that the Member, and not the Association, is responsible for the content of any published statement.

"In compliance Civil Code §5135, names, biographies, and photos of incumbent Board Member candidates shall be removed from all publications a minimum 30 days prior to the Election."

Section 4.2 - Access:

All Candidates will be provided the same opportunities for publication in SAMLARC media. SAMLARC may restrict the availability of any SAMLARC no-cost publication by limiting the number of opportunities for print space made available and/or the number of words that will be included from each Candidate or member in SAMLARC's no-cost publication.

Section 4.3 - Availability of Meeting Space and Candidate Filming

If a candidate would like to conduct their own Candidate's Forum, they must be a member of SAMLARC and pay rent the facilities through the permit process. All applicable fees and policies apply.

Candidates will be offered the opportunity to be part of a Candidate Forum that will be filmed and the video placed on SAMLARC.org. The Committee reserves the right to publish or not publish the Forum video.

A photograph of each candidate will be required and will appear next to their Candidate Statement that appears on the ballot, newsmagazine and SAMLARC.org.

Section 5 - Secret Ballot Tabulation:

Any count or tabulation of ballots shall be done at an open meeting of the Membership. Any Candidate or Member may observe the count, but shall stand at least twenty (20) feet away from the Inspector(s) of Election.

While SAMLARC is not required to apply Civil Code section 5120 to elections conducted by Delegates, there is no prohibition against SAMLARC choosing to follow that section. SAMLARC shall follow the procedures of Civ. Code § 5120:

All votes shall be counted and tabulated by the inspector or inspectors of elections, or the designee of the inspector of elections, in public at a properly noticed open meeting of the board 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. The inspector of elections, or the designee of the inspector 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 of elections, it shall be irrevocable.

Any person violating this Section may be asked by the Inspector of Elections to leave the meeting to prevent further disruption.

The authenticity, validity and effect of each Delegate Casting Ballot shall be determined by the Inspector(s) of the Election on the night of any election. The polls for any vote of the Membership shall open on the date the Secret Ballot is mailed and shall close two days prior to the election at 5:00 p.m.

Section 6 - Results of Delegate Votes:

The results of the election shall be promptly reported to the SAMLARC Board of Directors using the Form attached as "*Certificate of Inspectors of Election – Election of Directors*" form; to be recorded in the minutes of the next meeting of the Board of Directors; and be available for review by Members of SAMLARC. The results shall also be published in a communication directed to all Members within 15 days of the election.

The tabulated results of the election shall be recorded using the form attached hereto as "Certificate of Inspectors of Election" form and shall be promptly reported to the board, be recorded in the minutes of the next meeting of the board and shall be available for review by members of the association. Within 15 days of the election, the board shall give general notice of the tabulated results of the election using the form attached hereto as "Certificate of Inspectors of Election" form.

Once the results of the election are determined and announced at the Annual Meeting, all ballots will be made available for inspection by any Candidate or Member during regular business hours under the supervision of the Inspector of the Election at the SAMLARC Business Office.

Section 6.1 – Election Audit

To require that an Election audit and report be conducted and presented by the Election Auditor (Corporate Counsel) at the March Board of Directors Meeting following an election and the final Certification of the Election Form to be signed by the Election Auditor (Corporate Counsel) the night of the Election prior to being announced.

Section 7 - Delegate Information:

Candidates and/or Members requesting Delegate contact information reflecting Delegate name, Property Management Company address and Property Management Company telephone number shall be provided at Candidate's/Member's request. Candidate or member may also be directed to SAMLARC.org.

Section 8 - Receipt, Retention and Destruction of Prior Election Ballots:

Once the polls open, all ballots are received and retained at the SAMLARC Business Office. Once the election has concluded, the ballots are retained and archived at the SAMLARC Business Office. At the end of December of each year, ballots are removed and destroyed by shredding.

Section 9 – Delegate Absentee Casting Ballots:

Absentee Delegate Ballots shall be allowed for all delegate districts, which include sub maintenance districts, non-sub maintenance districts and apartment delegate districts.

Section 10 - Election Process:Section 10.1 - Tabulation Process (day prior to the Election):Section 10.1(a) Tabulation Location:

Tabulation of ballots shall take place in a facility large enough to accommodate the counting process. Such facility shall be secure, indoors, and located within the City of Rancho Santa Margarita.

Section 10.1(b) - Delegate Casting Ballot:

Tabulation shall occur by hatch marks (N\I) next to the corresponding Candidate's name.

Section 10.1(c) - Delegate Casting Ballot Packet:

Delegate Casting Ballot Packet shall include Member ballots for that Delegate District and the Delegate Casting Ballot. These documents shall stay together at all times.

Section 10.2 - Election Night Process:

Sequence of the process shall be as follows:

1. Each Delegate shall provide an official signature to receive their Delegate Casting Ballot packet
2. Delegate is directed to the Tabulation Room where they will count hatch marks, enter totals, sign the Delegate Casting Form and submit the packet to the Inspectors of Election.
3. If there is a discrepancy, where the hatch marks do not match the ballots, the Delegate will notify the Inspectors of the Election who will review, correct and officially verify results with initials or signature.

Section 10.3 - Reporting of the Results:

Reporting of the results shall include the *Certificate of Inspectors of Election – Election of Directors form to only record and post votes cast for each candidate* and the Delegates present, at the Annual Meeting and Election, as well as published on SAMLARC.org and in Rancho Living Magazine.

As provided for in Civil Code §5120(b), the tabulated results of an election must be:

- Promptly reported to the board of directors,
- Recorded in the minutes of the next meeting of the board,
- Made available for review by the membership, and within 15 days of the election, reported to the membership via general notice.

Section 10.4 – Delegate Attendance:

To publish names of Delegate Districts who attended the Annual Meeting and Election.



Board of Directors Election Policies & Guidelines Manual

Chapter Three Delegate Voting System and Member Rights

Section 1 - Authority for Adoption of Rules, Voting Forms (Proxy Forms, Registration Books, and Voting Procedures):

The Board may adopt, amend and repeal from time to time such rules and regulations as it deems reasonable and appropriate to establish uniform voting forms, including without limitation, proxy forms, registration books and voting procedures to be utilized by the Delegate Districts. [Bylaws: Section 3.09]

Section 2 – Appointment and/or Election of Delegates:

Section 2.1 - Subordinate Maintenance Corporation:

Each president of a Subordinate Maintenance Corporation shall be the Delegate of the Delegate District comprised of the property covered by the Subordinate Declaration of such Subordinate Maintenance District. The Vice President shall perform all of the duties of the Delegate in the absence or disability of the President pursuant to the provisions of the bylaws of such Subordinate Maintenance Corporation. The appointee to fill any vacancy in the office of President of any such Subordinate Maintenance Corporation shall automatically become the appointed Delegate of such Delegate District. [Bylaws: Section 3.10 (a) and see also 3.2.2 below.]

If the President or Vice President of the Subordinate Maintenance Corporation is unable to attend the Election on behalf of their Delegate District, the Subordinate Maintenance Corporation Board of Directors may appoint a member from the Subordinate Maintenance Corporation to act on behalf of the Delegate District.

Section 2.2.–Appointment of Delegate by the Board of Directors:

The Board shall have the right to appoint a Delegate to represent the membership of any such Delegate District in the absence of any such election or to serve until any such Delegate is duly elected. [Bylaws: Section 3.10]

Non Subordinate Maintenance Corporation Delegates who fail to cast the ballots for the Election of the Delegate District shall be considered for removal and replacement in accordance with Bylaw Section 3.12 Removal of Delegates.

Section 2.3 - Qualifications of Delegates:

All Delegates must be Members of SAMLARC. [Bylaws: Section 3.10]

Section 2.4 - Power to Delegate:

Any Delegate shall have the power to delegate to any other person and/or to committees any of the duties and powers of a Delegate under the SAMLARC Management Documents [Bylaws: Section 3.10]

Section 3 - Voting Power of Delegates:

Section 3.1 - Certifications:

All Delegates shall furnish written confirmation to the Board of their appointment or election together with the official address to be used for the purpose of providing notice to Delegates of SAMLARC matters. SAMLARC shall not be obligated to recognize any Delegate, or any person to which such Delegate has delegated any powers and duties, or the votes or assents of Members cast by any such person unless it has first received written confirmation of such appointment or election from the Delegate. [Bylaws: Section 3.11]

If required by the Board, each Delegate shall provide written certification as to the voting power of the Members within his Delegate District. [Bylaws: Section 3.14]

Section 3.2 - Authority:

Any Delegates casting votes on behalf of the Members will be deemed to have acted with the consent and authority of all such Members. [Bylaws: Section 3.14]

Section 3.3 - Casting Votes for Quorum:

The Delegate representing a Delegate District shall be entitled to cast the total voting power of the Delegate District at any meeting of SAMLARC for the purpose of establishing a quorum. [Bylaws: Section 3.14]

Section 3.4 - Casting Votes of Members:

All meetings of SAMLARC shall be attended by Delegates representing and casting the votes of the Members of their respective Delegate Districts. [Bylaws: Section 3.09]

However, on actions requiring votes "for" and "against" any actions, each such Delegate shall cast the actual number of votes as the Members in the Delegate District voted "for" or "against" such actions. [Bylaws: Section 3.14]

Section 3.4.1 - Notice and Opportunity of Members to Exercise Voting Rights:

Written notice of any action requiring the vote of the membership shall be submitted to the members not less than thirty-five (35) days or more than ninety (90) days prior to the date of the SAMLARC meeting at which such actions are to be considered. Within such period of time, each of the Delegates shall provide an opportunity for each such Member to execute proxies, cast written ballots or approve or disapprove any actions in accordance with the procedures for voting adopted by the Board. [Bylaws: Section 3.13]