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**PLUMAS EUREKA VILLAS HOME OWNERS ASSOCIATION, INC.**  
**ELECTION RULES**

The Board of Directors adopted these election rules in accordance with California Civil Code Sections 4340 et seq. Notwithstanding any other law or provision of the governing documents, these rules shall apply to all matters set forth in California Civil Code Sections 5100 to 5125. Unless the context clearly indicates otherwise, capitalized terms used herein shall have the same meaning as in the Association's governing documents.

**Section 1. Inspector(s) of Elections**

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A. **Appointment and Term**

1. **Appointment.** The Board of Directors shall appoint one or three persons to serve as the Inspector(s) of Elections, who shall serve at the discretion of the Board, and who shall have such powers and duties as the Board shall determine, subject to the limitations imposed by these election rules ("Election Rules").
2. **Term.** The Inspector(s) of Elections shall serve in their capacity until they resign, are discharged by the Board, or until they submit their completed written report to the Board as required by Section 1(D)(2)(I).

B. **Qualifications**

1. The Inspector(s) of Elections must be an independent third party who is not any of the following:
  - a. Currently a member of the Board of Directors or a candidate for the Board of Directors; or
  - b. Related to a member of the Board of Directors or a candidate for the Board of Directors.
2. Within the absolute discretion of the Board, an independent third party may be a person who is currently employed or under contract to the Association for any compensable services.

C. **Powers**

1. Notwithstanding any provision in the Association's governing documents to the contrary, an Inspector(s) of Elections shall preside over an election or vote dealing with any of the matters set forth in California Civil Code Section 5110.
2. The Inspector(s) of Elections may meet and discuss election issues amongst themselves and/or with the Association's legal counsel.
3. If there are three Inspectors of Elections, the decision or act of two or more Inspectors of Elections shall be effective in all respects as the decision or act of all.
4. The Inspector(s) of Elections may appoint and oversee additional persons to count and tabulate votes as the Inspector(s) of Elections deems appropriate, if permitted by California law.

D. **Duties**

1. The Inspector(s) of Elections shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical.
2. The Inspector(s) of Elections shall do all of the following:
  - a. Determine the number of memberships entitled to vote and the voting power of each.
  - b. Determine the authenticity, validity, and effect of proxies, if any.
  - c. Receive secret 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 closed.
  - g. Determine the result of the election.
  - h. 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.
  - i. Prepare a written report of the activities undertaken in any election.

## **Section 2. Director Qualifications**

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- A. Only Members in Good Standing and who have been an Owner for at least one (1) year shall be eligible to be elected to or serve on the Board.
- B. Only one (1) Owner of a particular Lot may serve on the Board at any time.

## **Section 3. Nomination Procedures**

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- A. In addition to any nomination procedures set forth in the Association's Bylaws, excepting nominations from the floor, and notwithstanding any provision contained in the governing documents to the contrary, Members may nominate themselves as candidates for election to the Board of Directors.
- B. A Member may nominate himself or herself as a candidate for election to the Board of Directors by giving written notice of such nomination to the Association, or its designated agent, on or before a date determined by the Board.
- C. If a person nominated is not qualified to hold an elected position his or her name shall not appear on the secret ballot and he or she will not be permitted to serve if elected.
- D. If upon the close of nominations, the number of eligible candidates is equal to or less than the number of Directors to be elected, the Board may dispense with the mailing of the secret ballots and appoint those qualified candidates to replace those Directors whose terms would be expiring. Within fifteen (15) days after the candidates take office the Board shall publicize the appointments in a communication directed to all Members. If the number of Directors so elected is less than the number of vacancies, the Board of Directors shall fill the vacancies as may be provided for in the Bylaws and California law.
- E. In the event that the election is a contested election in that the number of candidates exceeds the number of seats to be filled on the Board of Directors, the Board shall proceed with the secret ballot election procedures set forth in California Civil Code Sections 5100 to 5125 and these rules.

#### **Section 4. Media Access**

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- A. If any publicity is provided by the Association during a campaign, the Association shall ensure that equal access is given to all candidates and Members advocating a point of view for purposes that are reasonably related to the election.
- B. If any publicity is provided by the Association, the Association will not censor, edit or redact the communication but shall include a statement specifying that the message is that of the Members and the Association is not responsible for its content. The following statement shall be published by the Association: "*The views expressed are those of its author and do not reflect the views of the Association, its directors, managers, employees, or agents. The author is solely responsible for its content. The Association is required by law to publish the communication as written regardless of the content.*"

#### **Section 5. Common Area Meeting Space**

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- A. If common area meeting space exists, it shall be provided at no cost to all candidates and Members advocating a point of view for purposes reasonably related to the election or vote, subject to procedural rules as may be adopted by the Board to assure orderly use of such meeting space.
- B. If required by the governing documents, the Association will schedule a community election forum prior to an election of the Board or a vote subject to these Election Rules, whereby candidates and Members who are advocating a point of view which is the subject matter of the pending election or vote may attend and speak to any Association Members choosing to attend. The community election forum shall be conducted in accordance with the governing documents and any procedural rules adopted by the Board.
- C. Any Member desiring to use the common area meeting space for such a purpose shall be responsible for leaving the premises in the condition they were found. The Member shall be required to provide a deposit which will be returned when the premises are returned clean and undamaged.

#### **Section 6. Association Funds**

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- A. Association funds shall not be used for campaign purposes in connection with any election in violation of Civil Code Section 5135.

## **Section 7. Voting Qualifications**

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- A. Only Members in Good Standing shall be entitled to vote. In order to be in good standing, a Member must be current in the payment of all dues, Assessments, fines, penalties, and other charges imposed in accordance with the Governing Documents, and who is in compliance with all of the provisions of the Governing Documents, as may be more particularly set forth in the Bylaws.
- B. Members shall be entitled to cast one (1) vote for each Lot owned.
- C. Voting periods shall be determined by the Board of Directors for all matters subject to these Election Rules.

## **Section 8. Methods of Voting**

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- A. The Association shall not be required to prepare or distribute proxies when voting on any matter requiring vote by secret ballot under California Civil Code Sections 5100 to 5125.
- B. If proxies are received, they are valid and effective only if they comply with California law and the Association's Bylaws. The Inspector(s) of Elections shall determine the authenticity of any proxies received and may deem a proxy used to vote by secret ballot authentic only if the proxy complies with California Civil Code Section 5130. The Inspector(s) of Elections may also take into consideration any reasonable criteria established by the Board of Directors to authenticate a proxy when making such a determination.
- C. The authenticity, validity and effect of proxies with respect to any other Member voting matter that is not determined by secret ballot shall be as set forth in the Association's Bylaws, as such Bylaws may be amended from time to time, and in California law.

## **Section 9. Voting Period**

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- A. The voting period shall begin on the date the secret ballots are distributed and shall close on the date established by the Board, which shall be not less than thirty (30) days from the date of distribution. Once appointed to oversee an election, the Inspector(s) of Elections shall determine, in their discretion, the specific date and time when the polls close.
- B. Subject to Section 11(B)(4) below, the Board of Directors shall have the discretion to extend the voting period if sufficient secret ballots have not been received.

## **Section 10. Secret Ballot Requirements**

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- A. Voting with regard to the matters addressed in California Civil Code Sections 5100-5115 shall be determined by using a double envelope system to ensure the anonymity of the Member casting his or her vote.

## **Section 11. Secret Ballot and Voting Procedure**

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### **A. Secret Ballots**

1. A secret ballot and two pre-addressed envelopes, a smaller (inner) envelope and a larger (outer) envelope, along with instructions on how to return the secret ballot shall be mailed by first-class mail or delivered by the Association to every Member not less than thirty (30) days prior to the deadline for voting.
2. A voter may not be identified by name, address, or the Lot that entitles him or her to vote on the secret ballot.
3. The secret ballot itself is not to be signed by the Member voting, but is to be inserted into the smaller (inner) envelope that is sealed by the Member. This envelope is inserted into the larger (outer) envelope that is sealed by the Member.
4. The larger (outer) envelope is addressed to the Inspector(s) of Elections. In the upper left-hand corner of the second envelope, the voter prints and signs his or her name, address, and Lot that entitles him or her to vote.
5. The secret ballot may be mailed or delivered by hand to a location specified by the Inspector(s) of Elections. The Member may request a receipt for delivery.
6. Once a secret ballot is cast it cannot be revoked. A secret ballot is "cast" when it is received.

### **B. Vote Tabulation**

1. The secret ballots shall not be opened or otherwise reviewed prior to the time and place at which the ballots are counted and tabulated. In no event shall any secret ballots be opened if insufficient secret ballots exist to meet the quorum requirement.
2. The envelopes shall be opened and the secret ballots shall be counted and tabulated at either a properly noticed Board meeting or a membership

meeting. Any candidate or other Member of the Association may witness the counting and tabulation of the secret ballots.

3. Only the Inspector(s) of Elections, or individuals designated by the Inspector(s) of Elections as allowed under California law, shall open the envelopes and count and tabulate the secret ballots.
4. If the Inspector(s) of Elections determine that insufficient secret ballots exist to meet the quorum requirement, the Board:
  - a. Shall extend the voting period for elections to the Board of Directors.
  - b. May extend the voting period for any other matters subject to these Election Rules.

## **Section 12. Voting Results, Storage and Retention**

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### **A. Election Results**

1. The Inspector(s) of Elections shall promptly report the results of the election to the Board of Directors who shall record the results of the election in the minutes of the next Board meeting and make them available to the Members of the Association for review.
2. Within fifteen (15) days of the election, the Board shall publicize the results of the election in a communication directed to all Members.

### **B. Custody, Storage and Retention of Secret Ballots from Elections**

#### **1. Custody**

- a. The secret ballots shall remain in the custody of the Inspector of Elections or at a location designated by the Inspector of Elections at all times until after the tabulation of the vote; and then for one year (the time allowed for challenging the election), at which time custody shall be transferred to the Association.
- b. In the event of a recount or other challenge to the election process, the Inspector(s) of Elections shall, upon written request, make the secret ballots available for inspection and review by Members or their authorized representatives. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

2. **Storage and Retention**

- a. In the event of a recount or other challenge to the election process after the transfer of the secret ballots to the Association, the Association shall make the secret ballots available for inspection and review by Association Members or their authorized representatives upon written request and if the secret ballots are still in the Association's possession. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.



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