

# Stratford of San Mateo Homeowners Association

## Election Rules for the Association

**Approved by the Board of Directors on April 29, 2025 following the mandatory 30-day membership comment period, and applying to the 2025-26 and subsequent years.**

David G. Messerschmitt, President

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May 30, 2025

### 1. Introduction

These rules govern the election of directors of The Stratford of San Mateo Homeowners Association. Election Rules are mandated by the CA Davis-Stirling Common-Interest Development Act (California Civil Code Civil Code § 5105). These Rules capture Stratford-specific election nomination and voting procedures. These Rules are intended, and shall be read, to comply with Davis-Stirling and all other California statutes as amended by the legislature from time to time.

### 2. Election Timeline

- A. **Conclusion of Voting:** The submission of ballots and counting and tabulation of results will conclude at an open meeting of the Inspectors of Election prior to the association's annual meeting, which is generally held in April.
- B. **Information Provided to Voting Members:** The following will be placed in resident member mailboxes in the lobby of the Stratford: A Notice of Upcoming Election at least 90 days in advance of the election, a Nomination Form at least 60 days in advance of the election, and an Election Packet at least 30 days in advance of the election.
- C. **Ballots Made Available and Returned:** Ballots will be available for pickup by a member in person from the Stratford concierge up to 30 days before the election.

Upon request to the concierge, a ballot may alternatively be delivered to the member in person by a staff member of the Stratford. Similarly, that member returns a completed ballot to the concierge or may request pickup.

- D. **Non-resident Owners:** A member of the association is defined as the owner of the unit (any person whose name appears on the title). For any non-resident members, the materials above will be sent by US Mail to the address of record of that member, and ballots may be returned by that non-resident to the concierge in person or by US Mail.
- E. **Announcement of Results and Selection of Officers:** Election outcomes are announced at the annual membership meeting of the association and recorded in the minutes of that meeting. The newly elected slate of directors and alternates take their seats at a subsequent open and properly-noticed regular board meeting following the annual meeting wherein new association officers (President, Vice President, Treasurer, Secretary) are either chosen by acclamation (if there is only one candidate) or otherwise by a secret ballot of the directors.
- F. **Date of election.** The date of election is deemed to be the association's annual meeting.

### 3. Nomination Procedures

- A. **Nomination Form:** This form encourages and allows each member to nominate themselves or any other eligible members. Nomination forms are returned to the concierge, who conveys these forms to the chair of the nomination committee.
- B. **Eligibility:** All candidates must be members of the association in good standing as of the date ballots become available. The bylaws place two limitations on which members may serve as a director. First, joint owners of a unit may not serve concurrently as directors. Second, any director who has served for two (2) full consecutive terms of two (2) years each must take one (1) year off before becoming a candidate for director again.
- C. **Nomination Committee:** This committee with three (3) to five (5) members is appointed by the board at least 60 days before the date of election, with a one-year term. The chair of the committee must be a director. The committee has three charges: (1) Accumulate all nominations (including self-nominations) made by members, and ascertain which of the nominated members are willing to be candidates.(2) Actively solicit and nominate additional candidates, with a goal of at least two more candidates than there are open director positions (including

alternates). (3) Confirm by whatever means the committee deems appropriate that all candidates are willing to serve as director for two years if elected.

- D. **Election by Acclamation:** The dictionary definition is "Someone who is elected by acclamation is elected without opposition". Should the number of candidates be equal to or fewer than the number of regular-director open positions (not including alternates), in accordance with the bylaws an election by secret ballot will nevertheless be conducted. Irrespective of this, the board under certain conditions specified in California Civil Code §5103 may (but is not required to) declare the qualified candidates for regular director to be elected by acclamation, which eliminates the need for member balloting. Another alternative is to reduce the number of regular directors to less than the number of candidates, as long as that number is five (5) or greater as specified in the bylaws. The goal in this case is to restore the board to nine (9) directors at the next election cycle.

#### 4. Voting

- A. **Secret Ballot:** Director elections shall be conducted by paper secret ballot. Although permitted by CA statutes, electronic voting shall not be used. Since the voting is not in a meeting of the membership, members may not vote by proxy. Since any member can nominate another member or themselves, there is no provision for write-ins.
- B. **Ballot Distribution:** An Election Packet will provide voting instructions, including an instruction to pick up a ballot in person from the Stratford concierge, and either a copy of the association's Election Rules or alternatively a URL where these rules may be viewed online. Any member picking up the ballot will sign a signature verification form that is returned to the concierge. A marked ballot may be returned to the Stratford concierge in a sealed white envelope, which is then placed in a signed and sealed goldenrod envelope.
- C. **Straight Voting:** In a change from 2024 and prior years, cumulative voting is not used. Each ballot may vote for a number of candidates equal to or fewer than the number of vacant positions on the board (not including alternates). On each ballot, no more than one vote is counted for any individual candidate. Each unit is allocated a single ballot, even when it has two or more joint owners. In the case of joint ownership of a unit, either individual owner may submit a ballot on behalf of that unit. Units 903, 904, 1006, and 1007 are considered separate units, with one ballot allocated to each, even though units 903/904 and 1006/1007 have been consolidated. The first ballot submitted on behalf of each unit is final and may not be replaced.
- D. **Alternate Directors:** The board consists of five (5) to nine (9) regular directors plus two (2) alternate directors. Historically the board has had nine (9) regular directors, and

it is the intention of the board to maintain this number unless insufficient candidates accept nomination. Candidates receiving the largest number of votes become regular directors, followed by alternates. Both regular and alternate directors serve a two-year term.

- E. **Filling Vacancies on the Board:** Any regular-director vacancies on the board are filled by alternate directors, followed by other members should alternate directors not be available. An alternate director who is appointed to fill a board vacancy shall, after fulfilling the remainder of the term of the director whose term became vacant, return again to being an alternate director for the remainder of his or her original two-year term. Any vacancy in either one or two alternate directors is not filled until the following election cycle.

## 5. Inspectors of Election

- A. **Qualifications and Appointment:** The Inspectors of Election consist of three members of the association, none of whom is a director nor a candidate for director. The inspectors are appointed by the board prior to the election for a one-year term. If an inspector becomes a candidate for director, his or her position becomes vacant. Any vacancies among the inspectors shall be replaced by board appointment of another qualified member.
- B. **Responsibilities:** Inspectors oversee the election process, verify signatures by comparing those on the goldenrod envelope with those on the signature verification form, count and tabulate ballots while maintaining their secrecy, and certify election results. The inspectors may delegate the distribution and collection of ballots and signature verification to appropriate staff of the Stratford. Counting and tabulation must be undertaken by the inspectors alone, and takes place in a properly-noticed open meeting prior to the annual meeting, where the process may be witnessed by any members.
- C. **Confidentiality of Votes:** The inspectors are asked to adopt procedures within the counting/tabulation meeting that do not reveal to any witness the number of votes obtained by each candidate. Only inspectors may handle or examine ballots before, during, or following the counting and tabulation process. A vote tabulation sheet is signed by all inspectors and is confidentially conveyed to the president. The president is asked to reveal to the board and membership (1) which candidates have been elected as a regular director, (2) which have been elected as an alternate director, and (3) which of the two alternate directors received the larger number of votes. Otherwise the number of votes received by each candidate should remain confidential.

- D. **Retention of Election Materials:** The Inspectors of Election shall securely retain all election materials (including ballots, signature verification forms, and signed goldenrod envelopes) for at least 365 days following the election date.

## 6. Campaigning

- A. **Access to Media:** The association has no official media. Candidates shall be invited to provide, at their option, a picture of themselves and/or a concise statement of candidacy to be included in the Election Packet, together with that of other candidates.
- B. **Use of Common Areas:** All candidates have equal access to the Stratford common areas for purposes of campaigning.
- C. **Prohibited Activities:** Campaigning using association funds or resources is prohibited.