

**MISSION HILLS PHASE V PROPERTY OWNERS ASSOCIATION  
(PARK VISTA)  
ELECTION RULES**

Adopted September 2022

1. No member (as defined in the First Amendment to the Restated Bylaws) (“Member”) shall be provided access to Association media for campaign purposes from the date the ballot materials are disseminated to the membership for any Mission Hills Phase V Property Owners’ Association (“Association”) election up to the last day ballots can be cast. For purposes of this paragraph, “Association media” means the Association's internet websites and/or other written communication from the Association. The term “Association media” does not include, within its definition, the official ballot materials sent to the Membership inclusive, for Board of Directors election, any biographical description and/or photographs of nominees that are running for the Board of Directors. To the extent that the Association permits any other access to Association media by a nominee (or a Member advocating a point of view) for purposes that are reasonably related to an election equal access shall be provided to all other nominees (or Members advocating a point of view) that are reasonably related to the election at issue. The Association will not edit or redact any content from a nominee or Member communication related to an election, provided, that the nominee or Member offering a statement or commentary is responsible for the content and any published comment or comments made. The Association may include a disclaimer specifying that the nominee or Member, and not the Association, is solely responsible for the content of the communication.
2. For ballot measures that are required to be submitted to the Membership that are unrelated to Board of Directors election, the Association may have a town hall meeting (not a formal Membership meeting, but an informal gathering of the Members, in which the Members can express their points of view) within 15 days of the date when the election materials are sent to the Membership to amend the First Amendment to the Restated Bylaws/Second Restated Declaration of Covenants, Conditions and Restrictions, or similar ballot measures requiring Membership approval.
3. The Board of Directors shall appoint one (1) or three (3) inspector(s) of election (“Inspector(s) of Election”). The Inspector(s) of Election shall be any of the following, as determined by the Board of Directors at an open Board meeting prior to the distribution of the ballot material: a Member or Members of the Association as well as any independent third party. Inspector(s) of Election may not be a member of the Board of Directors, a nominee for the Board of Directors, related to a member of the Board of Directors and/or related to a nominee for the Board of Directors.
4. The Inspector(s) of Election shall determine the number of Memberships entitled to vote and the voting power of each Membership, shall receive the ballots, hear and determine all challenges and questions in any way arising out of or in connection with the right to vote, count and tabulate the ballots, determine the results of election and shall further perform any acts which may be proper to conduct the election with fairness to all Members In accordance with *Civil Code* §5105 and the Association’s governing documents. The Inspector(s) of Election may also appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector(s) of Election deem

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appropriate, provided that the additional persons are independent third parties (e.g. independent third parties may not be a member of the Board of Directors, a nominee for the Board of Directors, related to a current director and/or related to a nominee for the Board of Directors) (hereinafter, "Inspector(s) Designee(s)"). Inspector(s) Designee(s), pursuant to these Election Rules, can include an employee(s) of the Inspector(s) of Election.

5. In order to run for the Board of Directors, a Member must meet the eligibility / qualifications identified below:
  - a. Subject to the requirements of the law or the governing documents, must be either current in the payment of regular and special assessments, have paid all currently-due regular and special assessments under protest, or be in a payment plan to bring all regular and special assessments current. A Member's eligibility to run for the Board of Directors shall be determined as of the record date established in accordance with the First Amendment to the Restated Bylaws.
  - b. Must own an interest in his/her Residential Lot either as a fee simple Owner or, if ownership is in the form of a trust or business entity, must be appointed by that entity for the purpose of running for the Board of Directors.
  - c. Must be the only Member of the Residential Lot running for election to the Board of Directors and/or serving on the Board of Directors.

The Inspector(s) of Election shall verify that all candidates meet the eligibility standards set forth in this section. However, any candidate determined to not meet the eligibility standards must be provided the opportunity to engage in internal dispute resolution pursuant to Civil Code section 5900 et seq. before the candidate is disqualified from nomination.

6. In lieu of any other nomination process set forth in the Bylaws and in accordance with Civil Code section 5105 (a)(3), any Member in Good Standing may submit to the Secretary of the Association, at least sixty (60) days prior to the Annual Meeting (or other date set by the Inspector(s) of Election which complies with the law, a written statement nominating himself/herself for election to the Board of Directors ("Self-Nomination Statement"). The Association shall notify the Members (via a document delivery that complies with Civil Code section 4040, e.g., newsletter, information within billing statement, mail) of the self-nomination process and the deadline for Association receipt of the Self-Nomination Statement at least 30 days before the deadline for submitting the Self-Nomination Statement. The written Self- Nomination Statement shall identify the nominee, containing that person's written consent to serve as a Director and must meet the eligibility requirements identified in the First Amendment to the Restated Bylaws and herein. In light of this self-nomination process, there shall be no write-in candidates or nominations from the floor at any annual or special Member meeting.

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7. The record date for Members entitled to receive notice of any Association election, as well as entitled to vote shall be the date when ballots are distributed. A Member may not be denied a ballot for any reason other than not being a Member at the time when ballots are distributed. A person with a general power of attorney for a Member may not be denied a ballot on behalf of that Member, and the ballot of a person with a general power of attorney for a Member must be counted on behalf of that Member if returned in a timely manner.
8. The Association or the Inspector(s) of Election must retain, as association election materials (as defined in Civil Code section 5200), both a candidate registration list and a voter list. The voter list shall include name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used. The association shall permit members to verify the accuracy of their individual information on both lists at least thirty (30) days before the ballots are distributed. The Association or Member shall report any errors or omissions to either list to the Inspector(s) of Election who shall make the corrections within two business days.
9. Notwithstanding any other law or provision of the Association's governing documents, Board of Directors election and other elections required to be submitted to the Membership pursuant to Civil Code section 5100 shall be conducted by a secret written ballot submitted to the Members without a meeting. At least thirty (30) days before an election, the Inspector(s) of Election must deliver, or cause to be delivered, to each member the ballot or ballots and a copy of these Election Rules. These Election Rules may be delivered by either posting them to an internet website and including the corresponding internet website address on the ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here," or by individual delivery. In order to preserve confidentiality, a voter may not be identified by name, address, parcel or unit number on the ballot itself. The balloting process shall include all of the following ("Two Envelope Secret Ballot Process"):
  - a. The ballot shall identify the nominees or, as it relates to any other election, the proposed action and include the opportunity to specify approval or disapproval of the proposed action.
  - b. The ballot itself is not signed by the voter, but is placed into a ballot envelope, which is then sealed ("Ballot Envelope"). The Ballot Envelope is then inserted into the second pre-addressed envelope ("Second Envelope") that is then sealed. In the upper left hand corner of the Second Envelope, the voter prints and signs his/her name and separate interest identifier that entitles him/her to vote.

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- c. The Second Envelope is addressed to the Inspector(s) of Election. The Second Envelope can be mailed by the Member to the Inspector(s) of Election or delivered by hand to a location specified by the Inspector(s) of Election, or be brought to the Annual Meeting of Members up until the time the meeting is called to order. Any Member can request a receipt for delivery of their ballot. Failure to sign the Second Envelope shall invalidate the ballot. The sealed ballots shall be kept in the custody of the Inspector(s) of Election or at a location designated by the Inspector(s) of Election until after tabulation of the vote and for an additional twelve (12) months following the completion of the election. Thereafter election ballots shall be stored by the Association in a secure place for an additional one (1) year.
- d. Voting can begin upon receipt of the ballot materials. The voting instructions included in the ballot materials will show the date and time by which ballots must be returned, at which time the polls will closed and no further ballots will be accepted. All ballots must be delivered to the location designated by the Inspector(s) of Election by either the United States Postal Service, overnight delivery service or hand delivery and by the deadline set forth in the voting instructions.
- e. Cumulative voting is not permitted.
- f. Since all Members are required by the Davis-Stirling Common Interest Development Act to vote via the Two Envelope Secret Ballot Process, there shall be no proxies permitted in such balloting process.
- g. All votes shall be counted by the Inspector(s) of Election or Inspector Designee(s), at the start of a properly noticed open meeting of the Board of Directors or Members. The counting process, which is estimated to take three (3) hours, will be followed by the regular business portion of the meeting. Any nominee or other Member of the Association may witness the counting and tabulation of the votes. Anyone who is not an Inspector(s) of Election or Inspector Designee(s) must remain at least ten feet (10') away from the counting table(s). No person may interfere with, harass or otherwise communicate with the Inspector(s) of Election or Inspector Designee(s) while the count and tabulation is taking place (other than corporate counsel as deemed necessary by the Inspector(s) of Election). The Inspector(s) of Election may cause the removal of any observer who causes interference with or disrupts the counting or tabulation process. Once the Inspector(s) of Election have finished counting, the Inspector(s) of Election will thereafter announce the results of the election at the open meeting of the Board of Directors or Members. No person, including any 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 by the Inspector(s) of Election.
- h. Written ballots may not be revoked once they are submitted to the Inspector(s) of Election.

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10. Notwithstanding any other provision of the Association's Governing Documents, including these Election Rules, when, as of the deadline for submitting nominations, the number of qualified candidates is not more than the number of vacancies to be elected, the Association may cancel any further election proceedings and consider the qualified candidates elected by acclamation. Any election by acclamation shall comply with the requirements of the law governing such acclamation (Civil Code section 5103).
11. The balloting process for amendments to governing documents shall be submitted to the Membership in a similar manner as the election for the Board of Directors, except that:
  - a. The ballots could be sent to the Membership at any time and not in conjunction with the timing of any annual meeting.
  - b. The addressed envelope should include a statement above the signature line by the owner which would provide, to comply with the governing documents:

*By signing below, my vote shall act as my written approval or, if applicable, my written disapproval of the pending ballot measure.*

12. The results of any election shall be promptly reported to the Board of Directors and shall be recorded in the minutes of the next board meeting, or membership meeting if appropriate, and shall be available for review by Members of the Association. Within fifteen (15) days of the election, the board shall publicize the results of the election in a communication directed to all Members (this could be done in the form of a newsletter if it is mailed to the Members within the 15- day timeline).
13. Association funds should not be used for campaign purposes in connection with any Association election, except to the extent necessary to comply with the duties of the Association imposed by law. For purposes of this paragraph, the Association can use its funds to have corporate counsel (or other Board-designated individuals) prepare and review appropriate ballots as well as the copying, printing and mailing costs necessary to provide the ballots to the Membership consistent with the Association's governing documents and California law. Association can also add background information and explanation of ballot material. The Association may use funds to distribute, for election of Board of Directors, a biographical description and photograph of the nominees within said election materials. The board shall not advocate the election or defeat of any nominee that is on an Association election ballot for the Board of Directors.
14. If the owner loses his/her ballot, they may request another ballot, along with the appropriate envelopes from the Inspector(s) of Election, but they must sign a statement, under penalty of perjury that the original ballot was either lost, destroyed or never received, The Inspector(s) of Election shall maintain a record of each such request and, if it is determined that the owner voted twice, even by mistake, neither ballot will be counted.