Un-adopted Draft - Subject to Change
12/29/2025

ELECTION RULES
SOUTHFORK RANCH HOMEOWNERS ASSOCIATION

Adopted _____, 2025

These Election Rules for SOUTHFORK RANCH HOMEOWNERS ASSOCIATION ("Association") are adopted per Civil Code § 5105 of the Davis-Stirling Common Interest Development Act ("Act") and the Association's authority under its Bylaws and CC&Rs. Unless otherwise indicated, all capitalized terms are as defined in the Act. The Election Rules supersede and replace all prior versions. These Election Rules shall apply to any vote regarding assessments legally requiring a vote, election and removal of directors, amendments to the Governing Documents, or the grant of exclusive use of common area pursuant to Civil Code § 4600.

ARTICLE 1: DIRECTORS AND ELECTIONS

1.1 Director Nominee Disqualification. A nominee shall comply with term limits set forth in the Associations CC&Rs and Bylaws (if any) and will be disqualified where:

a. *Membership*. The person is not a member at the time of their nomination.

b. *Co-Owners Eligible for Only One Position*. The person, if elected, would be serving on the Board with their Co-owner of a Separate Interest.

c. *Current on Assessments*. The person is delinquent in the payment of any Regular or Special Assessment, except where the person has paid the Assessment under protest, or where the person has entered into a payment plan and the person has been offered an opportunity to engage in internal dispute resolution to address their delinquency.

d. *No Convictions Impacting Fidelity Bond*. The person has been convicted of a crime that would, if elected, either prevent the Association from purchasing fidelity bond coverage or would cause the termination of the Association's existing fidelity bond coverage.

e. *Member for at Least One Year*. The person has not been a member for at least one (1) year at the time of nomination.

Civ. Code §§ 5105(b)-(e), 5658, 5665, and 5806.

To be eligible for nomination and election to the Board, a candidate shall be willing to comply with all corporate legal requirements applicable to the Association.

1.2 Director Qualifications. Directors serving on the Board must also meet the qualifications set forth above and must not be delinquent in the payment of any Assessment, except where the person has paid the Assessment under protest, or where the person has entered into a payment plan. Note that the term

"Assessment" does not include fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party. *Civ. Code §§ 5105(c), 5665, and 5658*.

All Directors shall comply with all corporate legal requirements applicable to the Association.

1.3 Designee of Impersonal Member. In the event a corporation or other impersonal entity is a member of the Association or holds title to a Separate Interest, it may designate one (1) person to stand for election to the Board on its behalf. *Civ. Code § 5105(b)(2).*

1.4 Election At Least Every Three or Four Years. The Association shall conduct an election for the board of directors at the end of each director's expiring term and at minimum every four (4) years. However, if the Association opts to hold an election by acclamation, all requirements under Civil Code §5103 or superseding statute and Article III, Section 3.6 herein must be met. Such requirements include that the Association has held a regular election for the directors in the last three (3) years. *Civ. Code §§ 5100(a)(2), 5103.*

ARTICLE 2: INSPECTORS OF ELECTION

2.1 Selection.

a. *Process*. Prior to the date ballots are first sent out and at an open meeting of the Board, the Board shall select either one (1) or three (3) persons as Inspectors of Election.

b. *Eligible Inspectors*. The Inspector(s) of Election may include any of the following, unless under contract with the Association to provide services for compensation other than serving as an inspector of election:

i. Poll Worker. A volunteer poll worker with the County Registrar of Voters;

ii. Accountant. A licensee of the California Board of Accountancy;

iii. Recording Secretary. A notary public;

iv. Association Members. Members of the Association, but not: (i) members of the Board, (ii) candidates for the Board, (iii) persons related to a member of the Board, or (iv) persons related to a candidate for the Board;

v. Third-Party Independent Inspector of Elections: An independent third-party person, business entity or subdivision of a business entity who is not under contract to the Association for any compensable service other than as an election inspector. *Civ. Code § 5110(b).*

2.2 Duties. Duties of Inspectors of Election shall include the following:

a. *Deliver Ballots and Rules*. Deliver, or cause to be delivered, at least thirty (30) days before an election, to each member: (i) the ballot(s) either by prepaid first class mail or personal delivery; and (ii) a copy of these Election Rules by either prepaid first class mail, personal

delivery or by posting them to an internet website and including the internet website address on the ballot together with "The rules governing this election may be found here:" in at least 12-point type.

b. *Membership*. Determine the number of memberships entitled to vote and the voting power of each.

c. *Voter and Candidate Registration Lists.* Make changes requested by the Association or members to the voter and candidate registration lists within two (2) days of the request. Maintain the final Candidate Registration List (which shall include each candidate's on-site address) until after the tabulation of the vote, and for one (1) year from the date of the election, at which time custody shall be transferred to the Association.

d. *Validity*. Determine the authenticity, validity and effect of proxies, if any.

e. *Closing and Reopening of Polls*. Determine when the polls shall close and determine whether to reopen the polls to allow members to cast a ballot after the polls have been closed.

f. *Receive Ballots*. Receive all ballots. Once received by an Inspector of Elections, ballots are irrevocable.

g. *Elections by Electronic Secret Ballot*. In elections conducted by electronic secret ballots, the Inspector of Elections shall ensure that:

i. Each member voting by electronic secret ballot is provided with all of the following:

a) A method to authenticate the member's identity to the internet-based voting system.

b) A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.

c) A method to confirm, at least 30 days before the voting deadline, that the member's electronic device can successfully communicate with the internet-based voting system.

ii. Any internet-based voting system that is utilized has the ability to accomplish all of the following:

a) Authenticate the member's identity.

b) Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.

c) Transmit a receipt from the internet-based voting system to each member who casts an electronic secret ballot.

d) Permanently separate any authenticating or identifying information from the electronic secret ballot rendering it impossible to connect an election ballot to a specific member.

e) Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

h. *Custody*. Maintain custody of the sealed ballots, signed voter envelopes, voter list, proxies, candidate registration list, and tally sheet of votes cast by electronic secret ballot at all times. The sealed ballots, signed voter envelopes, voter list, proxies, and candidate registration list, shall be in the custody of the Inspector or Inspectors of election or at a location designated by the Inspector or Inspectors until after the tabulation of the vote and until the time allowed by Civil Code § 5145 for challenging the election has expired, at which time custody shall be transferred to the Association. No person, including a member of the Association or an employee of the management company, shall open or otherwise review any ballot before the time and place at which the ballots are counted and tabulated. The Inspector of Elections or his or her designee may verify the member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.

i. *Challenges*. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote. If there is a recount or other challenge to the election process, the Inspector(s) shall make the ballots and the tally sheet of votes cast by electronic secret ballot available for inspection and review upon written request. A member may authorize a representative to review the ballots on his or her behalf. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

j. *Count Ballots*. Count and tabulate all votes. All votes shall be counted and tabulated by an Inspector or Inspectors of Elections or his or her designee at a properly noticed open meeting of the Board or members. Candidates and members may witness, but not interfere with the counting and tabulation of the votes from at least five (5) feet away from the Inspector and his/her assistants. A person, including a member of the Association or an employee of the management company, shall not open or otherwise review any tally sheet of votes cast by electronic secret ballots before the time and place at which the ballots are counted and tabulated.

k. *Appoint Assistants*. Appoint and oversee additional independent third parties to verify signatures, and to count and tabulate votes as the Inspectors of Election deem appropriate provided that such persons are independent third parties. Such additional independent third parties must also meet the criteria set forth in Section 2.1 (b), above.

l. *Results*. Determine the tabulated results of the election.

m. *Impartiality*. Perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical in a manner that protects the interest of all members of the Association. Any report made by the Inspectors of Election is prima facie evidence of the facts stated in the report.

n. *Miscellaneous*. Perform any acts as may be proper to conduct the election with fairness to all members in accordance with the Civil Code, the Corporations Code, the Governing Documents, and all applicable rules of the Association regarding the conduct of the election that are not in conflict with the Civil Code. If there are three inspectors, a majority will decide any issues not agreed upon by all. Any inspector report is prima facie evidence of the facts stated therein. *Civ. Code §§ 5105(g)(4); 5110(c) and (d), 5120, and 5125*.

2.3 Removal. The Board has the power to remove Inspectors who cease to meet the required qualifications, are unable or unwilling to perform their duties, or for other good reason, and to appoint new Inspectors in their place.

ARTICLE 3: NOMINATIONS

3.1 Nominations. As authorized by the bylaws, the Association may utilize any permissible means to obtain nominations for directors, including a nominating committee and sending out requests for candidates.

3.2 Self-Nomination. Any member meeting the qualifications set forth in these Rules may nominate himself or herself by completing any document utilized by the Board for application purposes (Board Application), which will be included with the request for nominations. All persons so nominated who meet the qualifications set forth in these Rules, and who return their Board Application on or before the deadline stated in the request for nominations, shall be included on the ballot for election of Directors. *Civ. Code § 5105(b).*

3.3 Write-Ins/Floor Nominations. Write-in candidates are not allowed. Floor Nominations are permitted pursuant to Section 5.01 of the Bylaws. However, floor nominations are prohibited in any director election conducted by electronic ballots. *Civ. Code § 5105(i)(1)(F).*

3.4 Notice of Procedures and Deadlines.

a. *Content and Timing of Notice:* At least thirty (30) days before the deadline set for submitting nominations, the Association shall provide notice to the members of the procedures and deadlines for submitting nominations. For the content and timing of notices required for director elections by acclamation, as permitted under Civil Code §5103, see Article III, Section 3.6 herein.

b. *Delivery*. Notice of nomination procedures and deadlines must be given as follows:

i. *For Members Who Have Not Requested Personal, Email, or Mail Notice*:

a) *Method of Delivery.* Either personally, by electronic transmission (when consented to by the member), by first-class mail, postage prepaid, registered or

certified mail, express mail, or overnight delivery by an express service carrier, inclusion in a billing statement, newsletter, or other document that is delivered by one (1) of the methods provided in this section.

ii. *For Members Who Have Requested Personal, Email, or Mail Notice*:

a) *Method of Delivery.* Either personally, by electronic transmission (when consented to by the member), or by first-class mail, registered or certified, charges prepaid.

b) *Location of Delivery.* To the member: (a) at a primary or secondary address as provided by the member (a); or (b) if the member fails to provide such notice, the last address provided in writing by the member; or (c) if none of the above, the address of the member's separate interest. *Civ. Code §§ 4040 and 4041.*

c) *Notice Deemed Given.* Notice of nomination procedures and deadlines is deemed given when delivered personally, deposited in the mail, or upon completion of electronic transmission to those members who have consented to same. *Civ. Code § 4050.*

Civ. Code §§ 5105(b) and 5115(a).

3.5 Candidate Registration List. In elections of directors or Board recall elections, the Association shall, or cause the Inspector(s) to, compile a list of duly nominated candidates (which shall include each candidate's on-site address) and permit members to verify the accuracy of their individual information on the list at least thirty (30) days before ballots are distributed. The Association shall report any requested changes to the Inspector(s). The list, once returned by the Inspector(s), shall be maintained by the Association for one (1) year from the date of the election.

3.6 Elections by Acclamation. When, as of the deadline for submitting nominations provided for above, the number of qualified candidates is not more than the number of vacancies to be elected, as determined by the inspector or inspectors of the elections, the Association may, but is not required to, consider the qualified candidates elected by acclamation if all the following conditions have been met:

a. The Association has held a regular election for the directors in the last three years. The three-year time period shall be calculated from the date ballots were due in the last full election to the start of voting for the proposed election.

b. The Association provided individual notice of the election and the procedure for nominating candidates as follows:

i. Initial notice at least 90 days before the deadline for submitting nominations provided for above and in Civil Code §5115. The initial notice shall include all of the following:

a) The number of board positions that will be filled at the election.

b) The deadline for submitting nominations.

c) The manner in which nominations can be submitted.

d) A statement informing members that if, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are board positions to be filled, then the Board of Directors may, after voting to do so, seat the qualified candidates by acclamation without balloting.

ii. A reminder notice between 7 and 30 days before the deadline for submitting nominations provided for in subdivision (a) of Section 5115. The reminder notice shall include all of the following:

a) The number of Board positions that will be filled at the election.

b) The deadline for submitting nominations.

c) The manner in which nominations can be submitted.

d) A list of the names of all the qualified candidates to fill the Board positions as of the date of the reminder notice.

e) A statement reminding members that if, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are board positions to be filled, then the Board of Directors may, after voting to do so, seat the qualified candidates by acclamation without balloting. This statement is not required if, at the time the reminder notice will be delivered, the number of qualified candidates already exceeds the number of Board positions to be filled.

c.

i. The Association provides, within seven business days of receiving a nomination, a written or electronic communication acknowledging the nomination to the member who submitted the nomination.

ii. The Association provides, within seven business days of receiving a nomination, a written or electronic communication to the nominee, indicating either of the following:

a) The nominee is a qualified candidate for the Board of Directors.

b) The nominee is not a qualified candidate for the Board of Directors, the basis for the disqualification, and the procedure, which shall comply with Civil Code §5900, by which the nominee may appeal the disqualification.

iii. The Association may combine the written or electronic communication described in paragraphs (i) and (ii), above, into a single written or electronic communication if the nominee and the nominator are the same person.

d.

i. The Association permits all candidates to run if nominated, except for nominees disqualified.

ii. Notwithstanding paragraph (i), the Association may disqualify a nominee if the person has served the maximum number of terms or sequential terms allowed by the Association.

iii. All directors must comply with the same nominee requirements.

e. The Association Board votes to consider the qualified candidates elected by acclamation at an open meeting for which the agenda item reflects the name of each qualified candidate that will be seated by acclamation if the item is approved.

(*Civ. Code, §§ 5103, 5105(b), 5115(a).)*

ARTICLE 4: WRITTEN BALLOTS, ELECTRONIC BALLOTS, AND PROXIES

4.1 Notice. For election for directors and for recall elections, at least thirty (30) days before ballots are distributed, the Association shall provide, or cause to be provided by the Inspector(s), notice to the members as follows:

a. *Notice Contents.* (i) The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector(s); (ii) If the Association allows for voting in an election by electronic secret ballot, the date and time by which electronic secret ballots are to be transmitted to the internet-based voting system and preliminary instructions on how to vote by electronic secret ballot upon commencement of the voting period; (iii) The date, time, and location of the meeting at which a quorum will be determined, if the Association's Governing Documents require a quorum, and at which ballots will be counted; (iv) The names of all candidates that will appear on the ballot; and (v) If the Association's Governing Documents require a quorum for election of directors, a statement that the Association may call a reconvened meeting to be held at least 20 days after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be 20 percent (or lower percentage consistent with the Governing Documents) of the Association's members, voting in person, by proxy, or by secret ballot.

b. *Delivery*. The notice provided by this section must be given as follows:

i. *Method of Delivery.*

a) For Members Who Have Not Requested Mail, Personal or Email Notice: Either by electronic transmission (when consented to by the member), by prepaid first-class mail, posting in a prominent location accessible to all members that has been designated for the posting of general notices in the Association's annual policy statement, inclusion in a billing statement, newsletter, or other document that is delivered by one (1) of the methods in this paragraph. *Civ. Code § 4045.*

b) *For Members Who Have Requested Mail, Personal or Email Notice*: Either personally, by electronic transmission (when consented to by the member), or by first-class mail, registered or certified, charges prepaid. *Civ. Code § 4040.*

ii. *Location of Delivery by Mail.* To the member: (a) at a primary or secondary address as provided by the member; or (b) if the member fails to provide such notice, the last address provided in writing by the member; or (c) if none of the above, the address of the member's separate interest. *Civ. Code §§ 4040 and 4041.*

iii. *Notice Deemed Given.* Notice of a membership meeting is deemed given when delivered personally, deposited in the mail, or upon completion of electronic transmission to those members who have consented to same. *Civ. Code § 4050.*

4.2 Voting Rights.

a. *Number of Votes*. Each member shall be entitled to one (1) vote per Separate Interest owned on all matters presented for a membership vote.

b. *Denial of Ballot.* No member shall be denied a ballot for any reason other than not being a member at the time when ballots are distributed.

c. *Voter List.* The Association will permit members to verify the accuracy of their individual information on the voter list at least thirty (30) days before the ballots are distributed. Included on the list are name, voting power, and the physical address of the voter's Separate Interest, and mailing address if different from physical address. The Association will advise the Inspector(s) of any requested changes and maintain the voter list, after return by the inspector, for three (3) years from the election.

d. *Record Date*. The Board may fix a record date no more than sixty (60) days prior to a meeting for those members entitled to notice and vote. If the Board does not set a record date, the record date for notice of meetings will be the date before notices are mailed to the members of a meeting or for voting, the day written ballots are sent. *Corp. Code § 7611*.

e. *Proof of Membership*. Except as provided in subdivision (f) of this section, no person or entity may exercise the rights of membership without an ownership interest in a Separate Interest. Proof of membership will be a recorded deed or, if the property was transferred within the past thirty (30) days and a copy of the newly recorded deed is unavailable, a completed escrow closing statement.

f. *General Power of Attorney*. The holder of a general power of attorney for a member shall not be denied a ballot and may exercise that member's right to vote consistent with the terms of these rules.

g. *Cumulative Voting*. Cumulative voting is permitted. *Bylaws, Section* 5.02. Cumulative voting in the election of Board members shall be prescribed for all elections in which more than two (2) positions on the Board are to be filled, subject only to the procedural prerequisites for cumulative voting prescribed in Section 7615(b) of the Corporations Code.

h. *Co-Owners.* Where there is more than one (1) Owner of a Separate Interest ("Co-Owner") all such co-owners are members and may attend any meeting of the Association, but only one (1) co-owner shall be entitled to exercise the vote of the Separate Interest.

i. *Presumption of Consent.* Unless the Inspector of Elections receives a written objection prior to the close of balloting from a co-owner, it will be presumed that the voting owner is acting with the consent of his or her Co-Owner(s) when a ballot is submitted.

j. *Voting for Properly Nominated Candidates.* Except where write-in candidates are permitted, members must vote only for those candidate(s) who have been properly nominated prior to the close of nominations.

4.3 Proxy Rules.

a. *Generally*. A proxy is a written authorization signed by a member or the authorized representative of the member that gives another member or members the power to vote on behalf of that member. "Signed" means the placing of the member's name on the proxy (whether by manual signature, typewriting, telegraphic transmission, or otherwise) by the member or authorized representative of the member. *Civ. Code § 5130; Corp. Code § 7613.*

b. Proxies for elections conducted under these Rules will not be distributed by the Association and may not be used in place of ballots. A member wishing to authorize another individual to vote in their place should complete the outer envelope accompanying the ballot with all the required information, then provide the designated individual the ballot for their voting. The designated individual must ensure that the ballot is completed and returned to the Inspector of Elections in the manner set forth in these Rules for the ballot to be considered valid.

c. *Permitted with Restrictions*. Proxies are permitted for other elections or meetings provided they are in accordance with Governing Documents, applicable laws, and these guidelines:

i. A proxy provider must be a member or the member's representative and the proxy holder must be a member.

ii. Proxies distributed by the Association or any member must (a) state the matter(s) to be voted on and provide an opportunity for the proxy provider to approve or disapprove the matter(s); (b) state that the vote(s) of the proxy holder will vote on

according to the choice(s) specified; (c) include the name of the person to whom the proxy is to be given for the purpose of casting the vote to reflect the proxy provider's vote(s) as specified on the form of proxy; and (d) if in the case of an election of directors, the proxy must list the name of all candidates that appear on the ballot.

iii. Any instruction given in a proxy must be on a separate page of the proxy that can be detached and given to the proxy holder to retain.

iv. Proxies are not used in lieu of a ballot.

v. The proxy holder will cast the member's vote by secret ballot unless the proxy is revoked by the member prior to the receipt of the ballot by an Inspector of Elections.

vi. The Association is not required to prepare or distribute proxies.

vii. The Inspector(s) may invalidate any proxy that does not meet the above requirements.

Civ. Code §§ 5105(a)(4) and 5130; Corp. Code § 7613.

4.4 Secret Ballots. All secret ballots mailed or otherwise delivered to the membership will include a double-envelope system and voting instructions for returning the ballots and be delivered to every member entitled to vote at least thirty (30) day before the initial voting deadline for those elections that require such voting methods. If the Association conducts an election by electronic secret ballot as provided for in Section 4.5, below, only members who will vote by written secret ballot shall be mailed or delivered the ballots and envelopes. Secret written ballots seeking approval to amend or restate the Governing Documents must be delivered to the members with the text of the proposed amendment. *Civ. Code §§ 5100 and 5115.*

a. *Signature*. Ballots do not require a signature; however, ballots signed by members remain valid.

b. *Inner Envelope*. The Association will provide two (2) envelopes. To preserve secrecy, the ballot is to be placed within an inner envelope with no identifying information. However, information written on the inner envelope by a member will not invalidate the ballot. The inner envelope containing the ballot is to be placed into a second outer envelope containing identifying information.

c. *Outer Envelope*. In the upper left-hand corner of the outer envelope, the voting member must sign his/her name and indicate (print, type, etc.) his/her name and the address entitling the voter to vote. The outer envelope must be addressed to the Inspector of Elections.

d. *Delivery*. The outer envelope may be mailed to the address on the envelope or delivered to a location specified by the Inspectors of Election. The member may request a receipt for delivery.

4.5 Electronic Secret Ballots. Except for an election regarding regular or special assessments, which must be conducted by secret written ballots, the Association may utilize an Inspector or Inspectors of Elections to conduct an election by electronic secret ballot, notwithstanding the Association's Governing Documents. The following rules shall apply to elections in which voting by electronic secret ballots is available. *Civ. Code § 5105(i).*

a. Members shall be permitted to change their preferred method of voting from electronic secret ballot to written ballot or written ballot to electronic secret ballot no later than 90 days before an election.

b. The electronic secret ballot and the written ballot shall contain the same list of items being voted on.

c. Members shall be permitted to:

   i. Opt out of voting by electronic secret ballot to vote by written ballot, in which case, the Association shall mail a written ballot only to any member who has opted out of voting by electronic secret ballot or for whom the Association does not have an email address required to vote by electronic secret ballot.

   ii. Opt into voting by electronic secret ballot, in which case, the Association shall send an electronic secret ballot only to a member who has opted into voting by electronic secret ballot.

d. The Association shall maintain a voting list identifying which members will vote by electronic secret ballot and which members will vote by written ballot.

e. The Association shall include in the Association's annual statement prepared pursuant to Civil Code Section 5310 information on the procedures to either opt out of or opt into voting by electronic secret ballot.

f. A member who votes by electronic secret ballot shall provide a valid email address to the Association.

g. Nomination of candidates from the floor of membership meetings are prohibited. See Section 3.3, above.

h. An electronic secret ballot may be accompanied by or contained in an electronic individual notice in accordance with paragraph (2) of subdivision (a) of Section 4040.

i. The Association shall deliver individual notice of the electronic secret ballot to each member 30 days before the election and shall contain instructions on both of the following:

   i. How to obtain access to that internet-based voting system.

   ii. How to vote by electronic secret ballot.

j. Delivery of the individual notice described above may be accomplished by electronic submission to an address, location, or system designated by the member.

k. Members are permitted to opt out of voting by electronic secret ballot to vote by written ballot. The Association shall provide individual notice, delivered pursuant to Civil Code Section 4040, at least 30 days before the deadline to opt out of voting by electronic secret ballot, which shall contain all of the following:

i. The member's current voting method.

ii. If the member's voting method is by electronic secret ballot and the Association has an email address for the member, the email address of the member that will be used for voting by electronic secret ballot.

iii. An explanation that the member is required to opt out of voting by electronic secret ballot if the member elects to vote by written secret ballot.

iv. An explanation of how a member may opt out of voting by electronic secret ballot.

v. The deadline by which the member is required to opt out of voting by electronic secret ballot if the member elects to exercise that right.

l. A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by the Inspector or Inspectors of Elections.

m. A vote made by electronic secret ballot may not be revoked.

n. If the Association does not have a member's email address required to vote by electronic secret ballot by the time at which ballots are to be distributed, the Association shall send the member a written secret ballot.

o. For purposes of determining a quorum, a member voting electronically pursuant to these rules shall be counted as a member in attendance at the meeting. Once the quorum is established, a substantive vote of the members shall not be taken on any issue other than the issues specifically identified in the electronic vote.

p. As used in this subdivision, "electronic secret ballot" means a ballot conducted by an electronic voting system that ensures the secrecy and integrity of a ballot pursuant to the requirements of Section 4.5 of these rules.

q. If the Association conducts an election to approve an amendment of the Governing Documents by electronic secret ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those members who vote by electronic secret ballot, pursuant to Section 5105. The Association shall also deliver a written copy of the text of the proposed amendment to those members upon request and without charge. If a member votes by written secret ballot, pursuant to Section 5105, the Association shall deliver a written copy of the text of the proposed amendment to the member with the ballot.

Civ. Code §§ 5105(i)(1)-(9) and 5115(g)(2).

4.6 Quorum by Ballot. Each ballot received within a properly completed outer envelope from a member is deemed as a member present at a meeting for purposes of establishing a quorum. This applies even if the ballot has no markings on it.

4.7 Option to Reduce Quorum for Director Elections. Pursuant to Civ. Code §5115, in the absence of meeting quorum as required by the Association's Governing Documents or Section 7512 of the Corporations Code, unless a lower quorum for a reconvened meeting is authorized by the Association's Governing Documents, the Association may adjourn the meeting to a date at least 20 days after the adjourned meeting, at which time the quorum required for purposes of a reconvened meeting to elect directors shall be 20 percent of the Association's members, voting in person, by proxy (only if allowed), or by secret ballot. No less than 15 days prior to the date of the reconvened meeting described in this paragraph, the Association shall provide general notice of the reconvened meeting, which shall include:

a. The date, time, and location of the meeting.

b. The list of all candidates.

c. Unless the Association's Governing Documents provide for a lower quorum, a statement that 20 percent of the Association's members, voting in person, by proxy, or secret ballot will satisfy the quorum requirements for the election of directors at that reconvened meeting and that the ballots will be counted if a quorum is reached, if the Association's Governing Documents require a quorum.

ARTICLE 5: CAMPAIGNING

5.1 Access to Media.

a. *Use of Association Resources*.

i. *Common Area Bulletin Boards/kiosks.* Subject to availability and authorization by the Board each candidate, member, or resident, may post information about the election in a reasonable size and quantity on a common area bulletin board or kiosk, for a reasonable period of time, at no cost to the candidate, member, or resident.

ii. *Association Media.* If any candidate or member is provided access to Association newsletters, website, or other Association media, if any, during an election, or given permission to post campaign material in the common area for purposes that are reasonably related to that election, then equal access shall be provided to all candidates and members. The access shall be limited to information relating to that election and shall include those candidates and members advocating a point of view, including those not endorsed by the Board. The Association shall not edit or redact any content from these communications but may include a statement specifying that the candidate or member, and not the Association, is responsible for

that content. The Association and its directors, officers, and agents shall be immune from liability for the content of those communications to the fullest extent provided by law.

iii. *Membership List.* Candidates and members have the right to request the Association's membership list for the purposes of distributing, at their own expense, materials which advocate a point of view reasonably related to the election. Candidates and members also have the right to contact members who have opted out of the membership list through the alternate means of communication permitted under Civil Code § 5220 for the purposes of distributing, at their own expense, materials which advocate a point of view reasonably related to the election.

5.2 Use of Common Area During Election Campaign.

a. *Purpose*. Regarding any Association election, each candidate, member, or resident shall be allowed to use, if available, the Association's common area meeting space at no cost for a purpose relating to Association elections (*Civil Code § 5105(a)(2)*), or other peaceful assemblies or meetings (*Civil Code § 4515*), including to advocate a point of view reasonably related to the election.

b. *Reservation*. Each candidate, member, or resident, who wants to use the common area for the above purposes must make a reservation in advance of the date and time requested. Such requests will be granted on a first-come, first-served basis, provided that the area is not already reserved. To assure fairness, each candidate may not reserve or use the common area for more than two (2) hours on any particular date. In addition, each candidate and each member shall only be allowed to make one (1) reservation per day to use the common area.

5.3 No Use of Association Funds for Campaign Purposes. Association funds may not be used for campaign purposes in connection with any election except to the extent necessary to comply with duties of the Association imposed by law. The Association shall not include the photograph or prominently feature the name of any candidate on a communication from the Association or its Board, excepting the ballot, ballot materials, or communication that is legally required, within thirty (30) days of an election. This restriction does not preclude directors from advocating the election or defeat of any issue or candidate on the ballot. However, they may not use Association funds to do so. *Civ. Code § 5135.*

5.4 Improper Electioneering.

a. *Prohibited Activities*. In addition to any of the prohibitions in these rules, candidates, members, and residents, including their tenants, families, employees, agents, visitors, licensees, or servants are prohibited from engaging in any of the following activities:

i. Causing any printed campaign or other election related materials to be placed upon or affixed to any portion of the common area without prior written authorization from the Board or management;

ii. Attempting to solicit either a vote or proxy from another member through deceit, harassment, intimidation, improper influence, undue coercion, or force;

iii. Attempting to prevent a member from casting a vote or delegating their right to vote via proxy through deceit, harassment, intimidation, improper influence, undue coercion, or force;

iv. Interfering with the counting or tallying of votes;

v. Inducing other members to divert ballots away from the Inspector(s) of Election; or

vi. Interfering with any candidate's ability to distribute authorized campaign materials.

b. *Report Violations*. Members are encouraged to report any electioneering violations they witness to the Board or management.

c. *Fines*. The Board may levy a fine of $100 for each violation of this section after proper notice and hearing.

ARTICLE 6: CANVASSING AND PETITIONING

6.1 Generally. Canvassing and petitioning the members, the Board, and residents for purposes permitted in Civil Code § 4515 (i.e. peaceful assembly to discuss social, political, or educational matters related to the community or matters of public interest) or any election, by telephone and/or personal visits to private residences in the development, is limited to the hours of 9:00 a.m. until 6:00 p.m. However, any member or resident who declines to be contacted, must not be contacted by telephone or personal visits thereafter.

6.2 Impermissible Conduct. Nothing in this section shall be deemed to permit a member or resident to contact another member or resident in a manner that constitutes a breach of the member's or resident's quiet enjoyment, or a nuisance.

ARTICLE 7: POST-ELECTION RESULTS

7.1 Breaking a Tie. In the event of a tie leaving the outcome of the election unresolved, the following will apply:

a. If requested by any member or candidate, the Inspector of Elections, and any designees, will conduct a recount of the ballots. If there is a charge, the Association will bear the expense. Members may observe the recount under the same conditions as the original ballot counting.

b. Following the recount, if the tie remains, all other newly elected directors will begin serving their terms. An incumbent director whose seat was tied shall continue in office until a runoff election determines the winner for his/her seat. Only those candidates who tied for the seat shall be in the runoff.

c. In lieu of a runoff and if the tied candidates agree, the winner may be decided by a coin toss or the drawing of names by the Inspector of Elections.

7.2 Results of an Election. The tabulated results of the election will be announced immediately after all the ballots have been counted and reported to the Board and recorded in the minutes of the next Board meeting. Within fifteen (15) days of the election, the Board will publicize the tabulated results of the election in a communication to all members.

7.3 Status of the Ballots after Election. The sealed ballots will be in the custody of the Inspectors of Election or at a location designated by the Inspector(s) until after the tabulation of the vote and until one (1) year from the date of the election, at which time custody will be transferred to the Association.

7.4 Election Recount. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

Certificate of Secretary of SOUTHFORK RANCH HOMEOWNERS ASSOCIATION

I, the undersigned, the duly elected and acting Secretary of the SOUTHFORK RANCH HOMEOWNERS ASSOCIATION, do hereby certify:

That the attached Election Rules were duly adopted at a meeting of its Board of Directors held on the _____ day of _____, 2025.

I have hereunto subscribed my name this _____ day of _____, 2025.

_____
Secretary