

ELECTION RULES

BROADSTONE PLACE OWNERS ASSOCIATION

If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

**BROADSTONE PLACE OWNERS ASSOCIATION
ELECTION RULES**

The Board of Directors adopted these rules in accordance with Civil Code Section 4340 *et seq.* Notwithstanding any other law or provision of the Association's governing documents, these rules shall apply to all matters set forth in Civil Code Sections 5100–5125 as they may be amended from time to time. Unless context indicates otherwise, capitalized terms used herein shall have the same meaning as in the governing documents. These Election Rules ("Rules") shall not be amended less than ninety (90) days prior to an election. The term "Residence" refers to the separate interest owned by a member(s).

ARTICLE 1 INSPECTOR OF ELECTIONS

1.1 Appointment and Term.

1.1.1 Appointment. The Board of Directors (the "Board") shall appoint one (1) or three (3) persons to serve as the Inspector of Elections (the "Inspector"), who shall serve at the discretion of the Board, and who shall have such powers and duties as the Board determines, subject to provisions in these Rules.

1.1.2 Term. The Inspector 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 1.4.2.8 of these Rules.

1.2 Qualifications. The Inspector shall be an independent third-party who is not any of the following:

1.2.1 Currently a Director on or a candidate for the Board;

1.2.2 Related to a Director on or to a candidate for the Board; and

1.2.3 A person, business entity, or subdivision of a business entity that is currently employed or under contract with the Association for any compensable services other than serving as Inspector. This provision cannot be waived under Civil Code Section 5110(b).

1.3 Powers.

1.3.1 The Inspector shall preside over member elections or votes on any of the matters set forth in Civil Code Section 5100, which provides that elections regarding assessments legally requiring a vote, election and removal of directors, amendments to governing documents, or the grant of exclusive use of common area pursuant to Civil Code Section 4600 shall be held by secret ballot in accordance with the procedures set forth herein.

1.3.2 If authorized by the Board, the Inspector may meet and discuss election issues with the Association's legal counsel or amongst themselves if there are three (3) Inspectors.

1.3.3 If there are three (3) Inspectors, the decision or act of two (2) or more of the Inspectors shall be effective in all respects as the decision or act of the Inspector.

2.1.1 Members. A candidate shall be a Member of the Association at the time of nomination. If title is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person in writing to be a Member for purposes of this subsection. The Association shall bear no liability for the veracity of such appointment.

2.1.2 Current in Assessments. Only Members who are current in the payment of regular or special assessments shall be eligible to be elected to and serve on the Board. This provision applies throughout every Director's term of office.

2.1.2.1 The Association may not disqualify a candidate for nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party.

2.1.2.2 The Association may also not disqualify a candidate for failure to be current in payment of regular and special assessments if either of the following is true:

2.1.2.2.1 The candidate has paid the regular or special assessment under protest pursuant to Civil Code Section 5658.

2.1.2.2.2 The candidate has entered into a payment plan pursuant to Civil Code Section 5665.

2.1.3 One Owner per Residence. Only one (1) Owner of a particular Residence ("Residence") shall serve on the Board at any time.

2.1.4 Prevention of Fidelity Bond Coverage. A Member shall neither be qualified as a candidate nor continue to serve as a Director if that candidate or Director has a past criminal conviction which would prevent the Association from purchasing fidelity bond coverage as required by Civil Code Section 5806 or would terminate the Association's existing fidelity bond coverage.

2.1.5 Engaging in Internal Dispute Resolution. The Association shall not disqualify a Member from nomination who is delinquent in payment of their regular or special assessments if the Member has neither requested nor been asked and provided the opportunity to engage in internal dispute resolution with the Association. This provision shall not apply, however, if the Association has previously offered the Member the opportunity to engage in the Association's internal dispute resolution process regarding the delinquency.

ARTICLE 3 NOMINATION PROCEDURES

3.1 Self-Nomination. Members may self-nominate as candidates for election to the Board by giving written notice of such nomination to the Association, or its designated agent, on or before a date determined by the Board, which shall be no less than thirty (30) days after nominations are being accepted. The Board may, but is not obligated to, appoint a nominating committee.

6.2 Funds Not Used to Campaign. Association funds shall not be used for purposes of campaigning in an election in violation of Civil Code Section 5135.

ARTICLE 7 VOTING QUALIFICATIONS

7.1 One Vote Per Residence. Members shall be entitled to one (1) vote for each Residence they own. Votes may be cast by a person who provides documentation showing they hold general power of attorney for a Member. The Association shall bear no liability for the veracity of the general power of attorney provided.

7.2 Joint Ownership. In the event more than one (1) person owns a given Residence, the vote for such Residence shall be exercised as the Owners among themselves shall determine, but in no event shall more than one (1) vote be cast with respect to any Residence. If the joint Owners of a Residence are unable to agree among themselves as to how their vote is to be cast, such vote shall be cast in accordance with the decision of a majority of such Owners. If there is no such majority, the vote for the Residence shall not be cast either in favor of or opposed to the issue or issues which are the subject of the vote, but the membership shall be counted for purposes of determining whether the quorum requirements applicable to the vote or meeting have been met. If any Owner casts a vote representing a certain Residence and no written objection thereto is received by the Secretary prior to the close of voting, it will be conclusively presumed for all purposes that such Owner was acting with the authority and consent of the other Owners of that Residence.

7.3 Cumulative Voting. Cumulative voting may be used in any vote to elect or remove Directors as long as any candidate's name for whom any Member cumulatively casts votes on the secret ballot has been put into nomination prior to the commencement of voting and as long as any Member has given notice of their intention to cumulate votes at the Board Meeting prior to the mailing of secret ballots. If applicable, every Member may cumulate votes and give them to a single candidate or distribute them among different candidates.

ARTICLE 8 METHODS OF VOTING; PROXIES

8.1 Proxies. Proxies may be used as provided for in the Bylaws and under California law.

ARTICLE 9 VOTING PERIOD

9.1 Beginning of Voting Period. The voting period shall begin and close on the dates established by the Board or the Inspector. The close of the election shall be not less than thirty (30) days from the date the ballots are distributed to the members.

9.2 Extend Voting Period. Subject to Section 10.4.4 below, the Board or the Inspector shall have the discretion to extend the voting period if sufficient secret ballots have not been received.

9.3 Director Election at Least Once Every Four Years. The Association shall hold an election for a seat on the Board using the procedures in these Rules at the expiration of each Director's term of office and at least once every four (4) years.

10.3.3 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.

10.3.4 The larger (outer) envelope is addressed to the Inspector. In the upper left-hand corner of the larger (outer) envelope, the voter prints and signs their name, address, and Residence that entitles them to vote.

10.3.5 The secret ballot may be mailed or hand delivered to a location specified by the Inspector. The Member may request a receipt for delivery.

10.3.6 Once a secret ballot is cast it cannot be revoked or changed. A secret ballot is "cast" when the Inspector receives it.

10.3.7 In an election to approve an amendment of the governing documents, the text of the proposed amendment shall be delivered to the Members with the ballot.

10.4 Vote Tabulation.

10.4.1 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 were returned to meet the quorum requirement.

10.4.2 The envelopes shall be opened and the secret ballots shall be counted and tabulated at either a properly noticed Board meeting or a Member meeting. Any candidate or other Member of the Association may witness the counting and tabulation of the secret ballots.

10.4.3 Only the Inspector, or persons designated by the Inspector, shall open the envelopes and count and tabulate the secret ballots.

10.4.4 If the Inspector determines that the Members returned an insufficient number of secret ballots to meet quorum or otherwise, the Board or the Inspector may extend the voting period.

ARTICLE 11 VOTING RESULTS, STORAGE, AND RETENTION

11.1 Election Results.

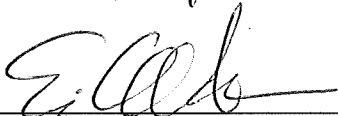
11.1.1 The Inspector shall promptly report the results of the election to the Board who shall record the results of the election in the minutes of the next Board meeting and shall be available for review by the Members of the Association.

11.1.2 Within fifteen (15) days of the election, the Board shall publicize the results of the election in a communication directed to the Members.

CERTIFICATE OF ADOPTION

I hereby certify that I am the Secretary of the Association and that the foregoing Election Rules are a true copy of the Election Rules approved by the Board at its meeting held on FEBRUARY 26, 2020, at which a quorum of the Directors was present. I further certify that the foregoing Election Rules are in full force and effect; that the same have not been rescinded, nor has it been amended or modified.

Dated: 2/26/20, 2020

By: 

ERIC HANSON, Secretary