

RIO VISTA HOMES COMMUNITY ASSOCIATION
ELECTION RULES
(Adopted Amendment to Rules August 25, 2025)

In accordance with California Civil Code §5105, et seq., the Board of Directors (the “Board”) of the Rio Vista Homes Community Association (“Association”) has amended its Election Rules, which are now fully set forth herein, and has adopted these Election Rules to establish procedural rules for conducting and managing elections of the Association.

Article 1. Elections.

The term “Election” means election and removal of directors, amendments to the governing documents, or the grant of exclusive use pursuant to Civil Code §4600, as well as elections regarding assessments requiring a vote of the members. Elections shall be held by secret ballot pursuant to California Civil Code §§5100-5145 and these rules.

Electronic Voting - The Association is authorized to use electronic voting, and the Board will determine when to use electronic voting; except, electronic voting shall not be used for any vote on regular or special assessments unless authorized by law, and electronic voting may be used for the election and removal of directors, amendment of the governing documents, or any other vote where the use of electronic voting is not prohibited by law.

Determining When to Conduct Electronic Voting - In determining whether to conduct an election by electronic voting, the Board will also consider the number of members who have chosen to opt-out of electronic voting, and the practicalities of implementing electronic voting when there is less than 100% member participating in electronic voting. Less than 100% member participating in electronic voting, means that the Association will have to hold a hybrid election (i.e. sending paper ballots and paper notices to those members who opt-out, and electronic ballots to others). Such a hybrid election may defeat the cost savings associated with conducting an electronic election where the voting is wholly electronic. Note: while the voting may be wholly electronic (meaning no one has chosen to vote by paper ballot), there still must be a physical location where members may attend the meeting

Use of Professional Inspector of Election for Electronic Voting - If the Board determines to use electronic voting, the Board will utilize the services of a professional inspector of election to conduct the election process.

Article 2. Voting Rights.

2.1. Members’ Right To Vote And Electronic Voting. Every person or legal entity who is a record owner of a Lot in the Association shall be a member of the Association. The term “record owner” means an individual or legal entity, which holds recorded title ownership to a Lot in the Association. Members whose record ownership of a Lot in the Association is reflected in the Association’s records when the ballots are prepared and ready for distribution, shall not be denied a ballot. A member whose record ownership of a Lot in the Association is not reflected in the Association’s records at the time ballots are initially distributed, provided the counting of ballots has not started, will be given a paper ballot upon request and upon providing the Association and the Inspector of Election proof of recorded title ownership to said Lot.

a. Designated Person for a Legal Entity. The governing authority of a legal entity who is a member (i.e. a corporation or limited liability company) shall have the power to appoint a natural person to be a member for the purpose of voting, and said natural person is included in the definition of member for the purpose of voting. (Civil Code §5105(b)(2).) Before casting a vote, the legal entity is to advise the Association in writing, of the name and mailing and email address of the appointed natural person who is authorized to vote as a member on behalf of the entity; and, should the legal entity fail to so advise the Association, the member's vote may not be counted.

If the election is to be conducted by electronic voting, the natural person appointed by the legal entity, who desires to exercise the legal entity's right to vote, shall at least 90-days before the election provide to the person designated by the Board to receive notice, or if no such designation is made, then to the Association's manager, the following: 1) the appointee's name, address, and email; and, 2) an executed copy of the document setting forth the appointment of the natural person. If the legal entity does not comply with the 90 day deadline, or the appointee does not desire to vote electronically, the appointee may choose to vote by paper ballot in accordance with paragraph d below, provided the appointee has provided their contact information and a copy of the document setting forth the appointment of the appointee, to the person designated by the Board to receive notice or, if no such designation is made, then to the Association's manager.

b. Power of Attorney. A person (the "Agent") holding a general power of attorney (the "POA") issued by a member qualified to vote under these rules (the "Principal"), provided the POA is timely provided to the Association and Inspector(s) of Election before the counting of ballots has started, will be given to vote on behalf of the Principal, and will be herein referred to as a "member" for the purposes of voting, and will not be denied a ballot.(Civil Code §5105(g)(2),(3).)

If the election is to be conducted by electronic voting, said Agent under a POA who desires to exercise the Principal's right to vote under the terms of the POA, shall at least 90-days before the election provide to the person designated by the Board to receive notice, or if no such designation is made, then to the Association's manager, the following: 1) the Agent's name, address, and email address; and, 2) a copy of the executed, witnessed/notarized copy of the POA. If said Agent does not comply with the 90 day deadline, or the Agent does not desire to vote electronically, the Agent may choose to vote by paper ballot in accordance with paragraph d below, provided the Agent has give their contact information and a copy of the executed, witnessed/notarized POA to the person designated by the Board to receive notice or, if no such designation is made, then to the Association's manager.

c. Choice of Voting Method in the Event of Electronic Voting. If an election is to be conducted by electronic voting, all members (including an Agent appointed by a member under a POA, and a natural person designated by a member who is a legal entity) are deemed to have chosen to vote by electronic ballot unless they choose to vote by paper ballot, and have notified the Association in writing of their choice at least ninety (90) days before the election, by providing written notice to the person designated by the Board to receive notice, and if no such designation is made, then the written notice shall be given to the Association's manager. A member's choice of a voting method, shall be valid until the member changes their voting method by written notice to the Association in accordance with these rules.

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d. Change of Choice of Voting Method in the Event of Electronic Voting. Any member (including an Agent appointed by a member under a POA, and a natural person designated by a member

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who is a legal entity) may change their preferred method of voting at any time, at least ninety (90) days before the election, by providing written notice to the person designated by the Board to receive notice, and if no such designation is made, then the written notice shall be given to the Association's manager.

e. Electronic Voting and Paper Ballots. In the event of electronic voting, the Association shall cause a paper ballot to be mailed to only those members (including an Agent appointed by a member under a POA, and a natural person designated by a member who is a legal entity) who have chosen to vote by paper ballot and to those who did not provide a working email address to the Association. Those who did not provide a working email address to the Association shall be deemed to have chosen to vote by paper ballot, notwithstanding their choice to vote electronically.

f. Electronic Voting and Receipt of All Notices by Electronic Means. All members (including an Agent appointed by a member under a POA, and a natural person designated by a member who is a legal entity) who vote by electronic ballot agree to receive all election-related notices such as the nomination forms and pre-ballots notices by electronic means such as email.

g. Electronic Voting and List Identifying Members Who Vote by Paper Ballot or Electronic Ballot. Unless the Board designates another person, the Association manager shall maintain a members' list that identifies which members (including an Agent appointed by a member under a POA, and a natural person designated by a member who is a legal entity), will vote by paper ballot and which of them will vote by electronic ballot.

2.2. One Vote Per Lot Owned. There is to be one vote for each Lot owned. A member's right to vote may **not** be suspended. (Civil Code §5105(g)(1).) Where there are two or more record owners of a Lot in the Association, any one of the record owners may exercise their right of membership to cast the vote for the Lot, in which case the Inspector of Election may rely upon that vote as being on behalf of all the owners of said Lot.

Should two or more owners of a Lot seek to cast more than one vote for that Lot, then all such votes will be disqualified unless, prior to the Inspector of Election counting the votes, either all but one owner of the Lot withdraws their vote, or all owners of the Lot advise the Inspector of Election to accept one vote, or all owners of the Lot sign a statement giving authority to one of their co-owners to cast the vote for the Lot. In no case shall there be more than one (1) ballot voted per any Lot.

2.3 Cumulative Voting. Cumulative voting is required for all elections of the Board of Directors where there are two (2) or more vacant positions on the Board. The one vote per Lot is multiplied by the number of positions on the Board of Directors that are open for election, and the resulting number is the number of votes that may be cast on the ballot reflecting the member(s)' vote for the Lot; and, the votes may all be given to one candidate, or divided among any number of candidates, although no fraction of a vote (i.e. 'A, %) is permitted. In no case shall there be more than one (1) ballot voted per any Lot.

Article 3. Inspector(s) of Election.

3.1 Appointment of Inspectors. The Board of Directors shall select an independent third party or parties as an Inspector of Election. (Civil Code §5105(a)(5).) There shall be one (1) or three (3) inspectors, herein jointly referred to as Inspector of Election. The Inspector of Election will be appointed by the Board before ballots are sent to members. Each person appointed as an Inspector of Election is to

be an independent third party, who may (but is not required) be a volunteer poll worker with the county register of votes, a Certified Public Accountant, a notary public, and/or a member of the Association; and shall not be a Board member, a candidate or someone related to a Board member or a candidate, and may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the Association for any compensable services, other than serving as an inspector of elections. (Civil Code §5110(b).) If there are three (3) inspectors, the decision to act must be by a majority of the Inspectors and is effective, in all respects, as the decision of all.

If an Inspector of Election is unwilling to, unable to, or does not, perform their duties as stated in these rules, or becomes ineligible to be an inspector at any time after appointment, the Board may remove that inspector without notice, and may appoint another inspector in their place.

3.2 Duties of Inspectors. The Inspector of Election shall perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical, and in a manner that protects the interests of all members of the Association. If there are three inspectors of election, the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report made by the Inspector of Election is prima facie evidence of the facts stated in the report. (Civil Code §5110(b).) The duties of the Inspector of Election are as follows:

- 1) Determine the number of memberships entitled to vote and the voting power of each;
- 2) Determine the authenticity, validity, and effect of proxies, if any;
- 3) Receive ballots;
- 4) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
- 5) Count and tabulate all votes;
- 6) Determine when the polls shall open and close;
- 7) Determine the results of the election;
- 8) Perform any acts as may be proper to conduct the election with fairness to all members in accordance with the law and all applicable rules of the Association regarding the conduct of the election. (Civil Code §5110 (c).)

The Inspector of Election may appoint and designate additional independent personnel to assist them in their duties, including registration, counting and tabulating. The Inspector of Election may also conduct the entire election process on behalf of the Association, including but not limited to an electronic election process.

The Inspector of Election have the authority to confer with the Association's legal counsel, and legal counsel is authorized by the Board of Directors to provide advice to the Inspector of Election, and the Board of Directors waives the attorney-client confidential communication privilege as determined by the Association's attorney to be necessary to inform and advise the Inspector of Election related to their performance of their duties. ;

Article 4. Nominations for Candidates To the Board of Directors.

4.1. Notice and Nomination Form. In the event that the Bylaws of the Association call for a nominating committee, the Board of Directors who are also members of the Association, shall be., and act as the nominating committee, and directs the Association's manager to provide a nomination form to the membership, seeking qualified individuals for candidates to run foij a seat on the Board of Directors

of the Association. The Board, from time to time, may alternatively authorize the Inspector of Election to provide the nominating form to the membership and to accept nominations on behalf of the Board in accordance with these rules.

The nomination form shall be given by general notice to members no later than 30-days before the deadline for submitting a nomination. (California Civil Code §5115(a)). The nomination form shall provide nominating procedures, qualifications for candidates, and set forth the deadline for receipt of nominations. (California Civil Code §5115 (a)). Provided an individual is qualified to be a candidate, such individual may nominate his or herself by completing a nomination form and timely returning it to management (or the Inspector of Election if appointed by the Board by that time) on or before the stated deadline. Timely receipt by management (or by the Inspector of Election) of a qualified candidate's nomination form is deemed to be receipt by the nominating committee of a Declaration of Candidacy. Nominations from the floor of the membership meeting is prohibited in the event of an electronic election; otherwise, when the election is not conducted by electronic voting, a member qualified to be a candidate under these rules, may attend the membership meeting and be nominated from the floor of the meeting.

Article 5. Candidates.

5.1 Qualification of Candidates. Every person or legal entity who is an owner of a Lot shall be a member of the Association. A person is qualified to be nominated as a candidate to run for the Board of Directors, provided such person is a member of the Association, and meets the other qualifications as may be set forth herein. Non-members may not be candidates. For the purposes of these rules, the appointment by the governing authority of a legal entity who is a member, shall have the power to appoint a natural person to be a member for the purpose of these rules; the natural person may vote as a member as provided by these rules and may be a candidate for, and be elected to the Board of Directors. (California Civil Code §5105(b).) Additionally, a member must meet the following qualifications to be a candidate:

5.1.1 No More Than One Member Per Lot May Be A Candidate. A person may not be a candidate or a Board member, if the person elected (or appointed) would be serving on the Board at the same time as another person who holds a joint ownership interest in the same Lot as the Candidate (or appointee), and the other person is either a qualified candidate for the current election or an incumbent director.

5.1.2 Assessments Current. A candidate for a Board seat, and each Board member, must be current in the payment of regular and special assessments (not including fines, collection charges, late charges, or costs of collection); and, the person shall not be disqualified if either of the following circumstances is true: (a) the person has paid the regular or special assessment under protest pursuant to Civil Code §5658; or (b) the person has entered into a payment plan pursuant to Civil Code §5665.

5.1.3. No Criminal Conviction. Should a candidate disclose or if the Association is aware or becomes aware of a past criminal conviction of a candidate, that would, if the person as elected, either prevent the association from purchasing the fidelity bond coverage Required by Civil Code §5806 or terminate the Association's existing fidelity bond coverage, that person is not qualified to run for the Board of Directors, and shall not be placed on the ballot; or if elected, shall not be qualified to remain a Board member.

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5.1.4 Timely Notice. In order to be a candidate on the ballot distributed to members, a member must timely submit a nomination form as set forth in these rules, and by the stated deadline.

5.2 Disqualification of a Candidate - Association's Offer to Participate In IDR. With the exception of disqualification for failure to be a member of the Association as set forth in these rules, the Association shall not disqualify a person from being a candidate, without having provided the person the opportunity to participate in Internal Dispute Resolution under Article 2, Chapter 10 of the Civil Code commencing with §5900 - §5920 (California Civil Code §5105 (e).)

Article 6. Election by Acclamation.

6.1 Procedures. When, as of the deadline for submitting nominations the number of qualified candidates is not more than the number of vacancies open for election, the Association may consider the qualified candidates elected by acclamation provided that:

- (a) The Association has held a regular election for directors in the last three (3) years.
- (b) The Association provided individual notice of the election and the procedures for nominating candidates by: (1) giving initial notice at least ninety (90) days before the deadline for nominations, of the number of board positions that will be filled at the election, the deadline for submitting nominations, the manner in which nominations can be submitted, and a statement to members that if, at the close of nominations, there are the same number or fewer qualified candidates as there are board position to be filled, then the Board of directors may, after voting to do so, seat the qualified candidates by acclamation without balloting; and (2) sending a reminder notice between seven (7) and thirty (30) days before the deadline for nominations, which shall include: of the number of board positions that will be filled at the election, the deadline for submitting nominations, the manner in which nominations can be submitted, the list of names of all of the qualified candidates to fill the board positions as of the date of the reminder notice, and statement reminding members that if, at the close of nominations, there are the same number or fewer qualified candidates as there are board position 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 of the reminder notice will be delivered, the number of qualified candidates already exceeds the number of Board positions to be filled. (California Civil Code §5103.)
- (c)
 - (1) The association provides, within seven (7) business days of receiving a nomination, a written or electronic communication acknowledging the nomination to the member who submitted the nomination.
 - (2) The association provides, within seven (7) 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 Article 2 (commencing with Section 5900) of Chapter 10, by which the nominee may appeal the disqualification.
 - (3) The association may combine the written or electronic communication described in paragraphs (1) and (2) into a single written or electronic communication if the nominee and the nominator are the same person.

(d)

(1) The association permits all candidates to run if nominated, except for nominees disqualified for running as allowed or required pursuant to subdivisions (b) to (e), inclusive, of Section 5105.

(2) If an association disqualifies a nominee pursuant to this subdivision, an association in its election rules shall also require a director to comply with the same requirements.

(e) The association board votes to consider the qualified candidates elected by acclamation at a meeting pursuant to Article 2 (commencing with Section 4900) for which the agenda item reflects the name of each qualified candidate that will be seated by acclamation if the item is approved.

Article?. Campaigning.

7.1 Equal Access To Media. All candidates and members advocating a point of view are provided equal access to the following, if available: association media, newsletter, internet website. Access is to be provided during a campaign, for purposes that are reasonably related to that election. 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.

7.2 Equal Access to Space. If a common area meeting space is available during the campaign, then all candidates and members advocating a point of view, are permitted access to this space, for purposes reasonably related to the election.

7.3 Campaign Funding. Association funds shall not be used for campaign purposes in connection with any Association board election. Association funds may be used for campaign purposes in connection with any other Association election to the extent necessary to comply with duties of the Association imposed by law. "Campaign purposes" means: expressly advocating the election or defeat of any candidate that is on the Association election ballot; including the photograph or prominently featuring the name of the candidate on a communication from the Association or its board, excepting the ballot and balloting materials, within thirty (30) days of the election, provided that this is not a campaign purpose if the communication is one for which subdivision (a) of Civil Code §5105 requires that equal access be provided to another candidate or advocate.

Article 8. Election Meetings.

8.1 Election Meetings of the Membership.

8.1.1 Date Of Annual Meeting and Election. The annual membership meeting for the election of directors will be held in January each year, otherwise it will be held within ninety (90) days of the end of the Association's fiscal year. Other membership meetings at which an Election is conducted, shall be held on a date, at a time and location determined in accordance with the Association's governing documents.

8.1.2 Quorum Requirement For Board of Directors Election Meetings. The presence at a membership meeting in person, by Ballot or by proxy, of members entitled to cast thirty-three percent (33%) of the total voting power of the Association shall constitute a quorum for the purpose of conducting a meeting of the members for the election of the Board of Directors. (Article II, of the Bylaws.) Each ballot received by the Inspector of Election(s) shall be treated as a member present at said

meeting for the purposes of establishing a quorum. (Civil Code §5115(d).) If the election is by electronic voting, a member voting using an electronic ballot shall be counted as a member in attendance at the meeting for the purposes of quorum. Once quorum is established, a substantive vote shall not be taken by the members on any issue other than the issues identified in the paper ballot or electronic ballot.

8.1.3 Adjournments And Reduced Quorum For Elections. For any membership meeting for an election of the Board of Directors, if a quorum is not present, the meeting may be adjourned to a time not less than twenty (20) days nor more than thirty (30) days from the original date of the meeting without further notice, and each adjournment thereafter, may also be so adjourned and the quorum for the adjourned meeting shall be twenty percent (20%). There is no requirement to adjourn the meeting if it is clear the membership is not interested in voting: i.e, a very small number of ballots are received leaving little chance of reaching the 20% quorum at an adjourned meeting.

No less than fifteen (15) days before the adjourned meeting date, a notice to members of the adjourned meeting (notice may be by posting in community, a newsletter, posting on community website, mailing to members, and email to those members who have agreed to accept notice by email), and the notice must provide:

- a) the date, time and location of the meeting;
- b) the list of all candidates; and,
- c) a statement that “20 percent of the association membership present or voting by proxy or secret ballot will satisfy the quorum requirements for the election of directors at the adjourned meeting and the ballots will be counted.” (Civil Code §5115(b)(c).)

After attempting to reach at least a twenty percent (20%) quorum at any adjourned meeting and failing to meet this quorum requirement, if the Board believes there is not a reasonable likelihood of obtaining this quorum at the next adjourned meeting, the Board need not adjourn again, and the Board shall give notice to members of this event; and, in the case of an election or removal of directors, the Board shall include in said notice that the directors, or as many as so choose, may remain directors, subject to the next annual election.

8.2 For Board of Directors Elections - Notice of List of Candidates, General Notice of Meeting and Balloting Information. For election of directors and for recall elections, at least thirty (30) days before the ballots are distributed, the Association will give general notice (or individual notice if requested by the member) of following:

- (1) the date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector(s) of Election;
- (2) the date, time and location of the meeting at which ballots are to be counted; and
- (3) the list of candidates names.
- (4) the Board of Directors may call a subsequent meeting at least twenty (20) days after a scheduled election if the required fifty-one (51%) quorum is not reach, then at which subsequent meeting the quorum of the membership to elect director will be twenty percent (20%) of the association’s members voting in person, by proxy or by secret ballot. (Civil Code §5115 (b).)

8.3 Mailing Secret Ballots To Members. The Inspector of Election shall deliver or cause to be delivered by individual delivery (as defined in California Civil Code §4040) the Secret Ballots in the form prescribed by paragraph 9.2 below, and deliver the Election Rules as prescribed by California Civil Code §5105(h) no later than thirty (30) days prior to the date of the meeting at which ballots are to be

counted. If the election is conducted by electronic voting, the Notice of meeting shall also include preliminary instructions on how to cast an electronic ballot once voting has started and the deadline for members to submit their electronic ballot.

8.4 Deadline For Voting and the Polls. The deadline for voting shall be at the time the polls are closed at the meeting at which ballots are to be counted, unless otherwise set by the Inspector of Election. Polls shall be opened at the time of mailing the ballots and or when the electronic ballots are issued by the Inspector of Election, and the polls shall be closed when the Inspector of Election determines. If the meeting is adjourned for lack of a quorum, then the polls shall remain open to the date of the adjourned meeting at which a quorum is present, if any, otherwise the polls will be closed. If a quorum cannot be reach, as set forth in these rules, the Board may terminate efforts to hold the meeting, the polls are then deemed close, and thereafter, the Board shall give notice to members of this event.

8.5 Conduct Of Meeting. A membership meeting shall be conducted in accordance with a recognized system of parliamentary procedure or any parliamentary procedure the Association may adopt. (Civil Code §5000.) All persons must conduct themselves with decorum. An individual's failure to conduct his or her self with decorum will result in the individual being asked to immediately leave the meeting.

8.6 Runoff Election - Tie Vote. When the Inspector of Election determines, at an election of directors, that there is a tie vote between one or more candidates to any seat on the Board of Directors, if one or more of said candidates do not voluntarily, or by flip of a coin, agree to withdraw from the election in order to break the tie, then there shall be a runoff election between said candidates. When the Inspector of Election determines, at an election other than for the election of directors, that there is a tie vote, there shall be a runoff election. Secret Ballots for a runoff election shall be delivered by individual notice to members at least thirty (30) days before the runoff election date and in accordance with Civil Code §5115. The Inspector of Election shall have the authority and power to call for, and conduct the runoff election. If the election which resulted in a tie, was conducted by electronic voting, the runoff election may be conducted in the same manner.

Articled Secret Ballots.

9.1 Use and Issuance of Secret Ballots. Voting is to be by Secret Ballot. The Inspector of Election will cause Secret Ballots to be sent by first class mail or delivered via the electronic voting procedures, to all members at least thirty (30) days prior to the initial deadline for voting. (Civil Code §5115.) Only Secret Ballots distributed by Inspector of Election shall be used for the election, for which they were distributed.

9.2 Secret Ballots and Envelopes. Except when an election is conducted by electronic voting, a Secret Ballot and two pre-addressed envelopes with instructions on how to return the Secret Ballot shall be mailed by first-class mail or delivered to every member not less than 30 days prior to the initial deadline for voting. 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.

9.2.1 Secret Balloting.

9.2.1.1 Secret Ballots are Irrevocable. Once a Secret Ballot is received by the Inspector of Election, whether the ballot is a paper ballot or an electronic ballot, it is irrevocable, and may not be changed or withdrawn.

9.2.1.2 Insuring Confidentiality. To insure confidentiality, the paper ballot is not to be signed, but is inserted into an envelope that is sealed, and this envelope is inserted into a second envelope that is sealed, addressed to the Inspector of Election, and in the upper left hand corner the voter prints and signs his or her name and address which entitles him/her/them to vote. This outer envelope containing the inner envelope with the ballot may be hand delivered or mailed to the Inspector of Election as herein set forth. If the election is conducted by electronic voting system, the Inspector of Election shall ensure the system provides secret voting and for the integrity of a ballot.

9.2.1.3 Deadline To Return Ballots. In order to be counted, ballots must be returned and received by the deadline set forth in the Notice, and Secret Ballots are to be voted and received by the deadline set by the Inspector of Election. The deadline may be extended should the meeting be adjourned. If the meeting at which ballots are to be counted is adjourned to a new date, then the envelopes containing paper Secret Ballots shall remain sealed, and electronic ballots shall be kept under sealed, and all shall be kept in the custody of the Inspector of Election, until such time as quorum requirements are satisfied, and until the date of an adjourned meeting of the members or when the Board determines such quorum cannot be reached, and then the sealed Secret Ballot envelopes and electronic ballots are to be retained by the Inspector of Election pursuant to these rules. Any Secret Ballots received after the applicable deadline will be disqualified and will not be counted by the Inspector. A Member whose Secret Ballot has been disqualified will not be entitled to notification of such action and shall not have the right to cast another vote in the present election. Such disqualified Secret Ballots shall not be counted in any subsequent recount or challenge of the election.

9.2.1.4 Void Ballots. In addition to any decision by the Inspector of Election, failure by a voter to sign their name, indicate their name and separate interest address on the outer Secret Ballot envelope addressed to the Inspector of Election, or who fails to comply with the signing procedure for electronic voting, will result in the Secret Ballot to be void and of no effect, and the Secret Ballot will not be counted. (Civil Code §5115.)

9.1.2 Proxies. The Association will not regularly distribute proxies, although it may distribute quorum only proxies used exclusively to obtain a quorum for a membership vote or meeting. For any other proxy, so as to comply with the requirements for the Secret Ballot process, any proxy prepared and or/used by anyone which directs the proxy holder how to vote, must include a separate detachable page for the direction, which can be detached and given to the proxy holder, and the proxy holder shall cast the member's vote by Secret Ballot provided by the Inspector of Election at the meeting. (Civil Code §5130.) Any proxy presented must comply with the law in form and substance. The Inspector of Election may require proxies to be presented to the Inspector of Election at a specific time and place, and the Inspector of Election shall authenticate, validate and determine the effect of any proxy presented.

9.1.3 Tabulation of Votes. All votes are to be counted and tabulated by the Inspector of Election in public at a properly noticed open meeting of the Board of Directors or a meeting of members. Any candidate or other member of the association may witness the counting and tabulation of the votes. The meeting may be held totally in person, or it may be a hybrid meeting, with virtual elements plus a physical location for those who want to attend may do so in person. The Inspector of Election may attend the hybrid meeting virtually, by video conference so that the Inspector's count and tabulate of the votes can be witnessed by those members in attendance (in person or by video) at the meeting.

Article 10. Election Results And Retention of Association Election Materials.

10.1 Results of Election. The results of the election, but not the actual Secret Ballots, shall be promptly reported to the Board of Directors, recorded in the minutes of the next meeting of the Board of Directors and made available for review by members; and, within 15 days of the election, the Board of Directors shall notify members by general notice, of the results of the election.

10.2 Retention of Secret Ballots and Election Materials. After the tabulation of the vote, the sealed ballots, signed voter envelopes, voter list, proxies, candidate registration list, and Talley sheets of votes cast by electronic secret ballot, shall at all times be in the custody of the Inspector of Election or at a location designated by the Inspector of Election, until the time allowed by Civil Code Section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association. If there is a recount or other challenge to the election process, the Inspector of Election shall, upon written request, make the ballots and the tally sheet of votes cast by electronic secret ballot available for inspection and review by an association member or the member's authored representative.