220 LOMBARD CONDOMINIUM HOMEOWNERS' ASSOCIATION

ELECTION RULES

ADOPTED BY THE BOARD OF DIRECTORS
November 21, 2025

Care Of:
FirstService Residential
601 California, Suite 1501
San Francisco, CA 94108

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I. INTRODUCTION

These Election Rules have been adopted for the 220 Lombard Condominium Homeowners' Association ("**Association**") to govern matters requiring a vote of the Association's membership. All undefined capitalized terms used in these Election Rules shall have the same meaning as set forth in the Association's Recorded Declaration of Covenants, Conditions and Restrictions ("**Declaration**"), Bylaws and applicable sections of the California Civil and Corporations Code.

II. DEFINITIONS

2.1. "**Ballot**" shall mean either Electronic Secret Ballot or Written Secret Ballot as defined herein.

2.2. "**Electronic Ballot**" shall mean a ballot conducted by an electronic voting system (i.e., email or internet website) that ensure the secrecy and integrity of a ballot pursuant to the requirements of Civil Code section 5100 *et seq*.

2.3. "**Written Ballot**" shall mean a physical ballot that utilizes the secret ballot procedures in Civil Code section 5115(c) and the ballot shall be mailed or delivered to the Member.

III. ANNUAL MEETING DATE

The annual meeting of the Members ("***Annual Meeting***") shall be held within thirty (30) days of the same date of the same month of each year.

IV. QUORUM

4.1. Quorum. As provided for in Section 3.4 of the Association's Bylaws, the presence either in person or by proxy at any meeting of the Members entitled to cast fifty-one percent (51%) of the total voting power of the Association shall constitute a quorum for the meeting.

4.2. Adjournment due to Lack of Quorum. After complying with the notice requirements contained in California Civil Code section 5115(b), the Association may adjourn the meeting to a date at least twenty (20) days, but no more than forty-five (45) days, after the adjourned meeting, at which time the quorum required for purposes of a membership meeting to elect directors shall be twenty percent (20%) of the Members. Not less than fifteen (15) days prior to the date of the reconvened meeting, the Association shall provide general notice of the reconvened meeting, to include: the date, time and location of the meeting; the list of all candidates; and a statement that twenty percent (20%) of the Members will satisfy

the quorum requirements for the election of directors and that the ballots will be counted if a quorum is reached.

V. EQUAL ACCESS TO MEDIA & COMMON AREA

5.1. Equal Access to Association Media. If any candidate or Member advocating a point of view is provided access to Association media, newsletters, or internet websites during a campaign, for purposes that are reasonably related to that election, all candidates and Members, including those not endorsed by the Board shall have equal access to such media, newsletters, or internet for purposes that are reasonably related to the election. The Association shall not edit or redact any content from such communications (except to the extent such content violates any applicable state, federal or local laws) but may include a statement specifying that the candidate or Member, and not the Association, is responsible for the content of such communication.

5.2. Access to Common Area Meeting Space. All candidates (including those candidates who are not incumbents) and all Members advocating a point of view (including those not endorsed by the Board) shall have access to the Common Area, at no cost, for purposes reasonably related to the election.

5.3. Campaigning Conduct. During campaigning, all candidates shall maintain professional decorum and shall not engage in conduct unbecoming of a Director. This includes, but is not limited to, the dissemination of false information and/or unsubstantiated claims about another candidate and/or Board member, as well as the use of ad hominem attacks, abhorrent language, and epithets based on a protected class. The foregoing is not meant to be an exhaustive list.

VI. CANDIDATE QUALIFICATIONS

6.1. Candidate Qualifications.[1] Members seeking candidacy for a position on the Board must satisfy all of the following Candidate Qualifications at the time of nomination:

6.1.1. ***Record Owner.*** The person must be the record owner of a Unit within the Association's development.

6.1.2. ***Term Limit.*** The person must not have served the maximum number of terms or sequential terms allowed by the governing documents.

6.1.3. ***Current in Assessments.*** The person must be current in the payment of regular and special assessments owed to the Association. This

[1] Unless otherwise exempt under law, nominees are hereby notified of the obligation to comply with, among other things, The Federal Corporate Transparency Act.

requirement does not apply in situations where the person wishing to be a candidate for the Board has (a) paid the regular or special assessment under protest, or (b) entered into a payment plan with the Association pursuant to California Civil Code section 5665.

6.1.4. ***Joint Ownership Interest.*** The person, if elected, must not be serving on the Board at the same time as another person who holds a joint ownership interest in the same Unit as the person, and the other person is either a candidate for the current election or is an incumbent director.

6.1.5. ***Past Criminal Convictions.*** The person must not have had a past criminal conviction that would, if the person is elected, either prevent the Association from purchasing fidelity bond coverage required by California Civil Code section 5806 or terminate the Association's existing fidelity bond coverage. Persons running for the Board shall disclose, at the time of nomination, the existence of any past criminal convictions.

6.1.6. ***Title in Name of Company.*** If title to a Unit is held by a legal entity other than a natural person (e.g., Corporation, Limited Liability Company, Limited Partnership, etc.), the governing authority of that legal entity shall have the power to appoint a natural person to be a Member for purposes of being a candidate for the Board.

6.2. Application to Directors. The candidate qualifications identified in Section 6.1 above shall also apply to directors.

VII. ELECTION BY ACCLAMATION PROCEDURE

The following procedure shall govern director elections conducted by acclamation.

7.1. Nomination Procedures.

7.1.1. ***Notice of Nomination Form & Nomination Deadline.*** Not less than ninety (90) days before the nomination deadline, the Association shall provide via individual delivery a notice that discloses the following information ("**Nomination Form**"): (1) the number of positions to be filled, (2) the deadline for submitting nominations ("**Nomination Deadline**"), (3) the manner in which nominations can be submitted, and (4) 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 may, after voting to do so, seat the qualified candidates by acclamation without balloting nomination procedures and nomination deadline.

7.1.2. ***Reminder Notice.*** Not less than seven (7) and not more than thirty (30) days prior to the close of nominations, the Association shall provide individual notice of the following: (1) the number of positions to be filled, (2) the deadline for submitting nominations, (3) the manner in which nominations can be submitted, (4) a list of the names of all of the qualified candidates to fill the Board positions as of the date of the notice, and (5) 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 may, after voting to do so, seat the qualified candidates by acclamation without balloting nomination procedures and nomination deadline. The foregoing notice 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. When this occurs, the Association shall be required to comply with the balloting procedures identified below.

7.1.3. ***Nomination Submission.*** Provided that Members seeking candidacy for a position on the Board satisfy the Candidate Qualifications at the time of nomination, such Members may be nominated or nominate themselves by submitted in writing, via the Nomination Form, to the Association's community manager ("**Manager**") at any time prior to the Nomination Deadline. Failure to submit a Nomination Form to the Manager prior to the Nomination Deadline will result in the candidate's name being omitted from the ballot.

7.1.4. ***Acknowledgment of Receipt.*** Within seven (7) business days of receipt of a nomination, the Association shall provide the Member submitting the nomination with written or electronic communication acknowledging receipt of the nomination.

7.2. Nominee Review and Confirmation.

7.2.1. ***Qualification of Nominees.*** Upon receipt of a Nomination Form, the Board, the Manager at the Board's direction, or a Nominating Committee established by the Board, shall: (1) confirm each nominated person's eligibility under these Election Rules; and (2) confirm or cause to be confirmed each eligible nominee's acceptance of nomination (if nominated by someone other than the nominee).

7.2.2. ***Confirmation of Qualification.*** Within seven (7) business days of receipt of nomination, the Association shall provide the Nominee with written or electronic communication indicating one of the following: (1) confirmation that the nominee is a qualified candidate for the Board, or (2) the nominee is not a qualified candidate for the Board, the basis for that disqualification, and the procedure by which the nominee may appeal the disqualification (i.e., the Association's internal dispute resolution procedure). This communication may be combined with the

communication identified in Subsection 7.1.4 if the nominee and the nominator are the same person.

7.3. Election By Acclamation. If, at the close of nominations (i.e., the Nomination Deadline), the number of qualified candidates is not more than the number of vacancies to be elected, as determined by the Inspector (as defined elsewhere herein), the Association may, but is not required to, consider the qualified candidates elected by acclamation. The decision to declare candidates elected by acclamation shall be voted upon by the Board at an open meeting. The agenda shall reflect the name(s) of each qualified candidate that will be seated by acclamation if the item is approved. If the Board decides not to declare the candidate(s) elected by acclamation, the Association shall comply with the balloting procedures identified herein, starting with Section 8.5 of these Election Rules.

VIII. NON-ELECTION BY ACCLAMATION PROCEDURE

The following procedure shall govern elections not conducted by acclamation.

8.1. Nomination Procedures.

8.1.1. ***Notice of Nomination Form & Nomination Deadline.*** Not less than thirty (30) days before the nomination deadline, the Association shall provide via general delivery a Nomination Form that discloses the nomination procedures and nomination deadline. The Nomination Deadline shall not be less than thirty (30) days before ballots are distributed. The Nomination Form shall be delivered by individual notice pursuant to California Civil Code section 4040 if requested by a Member.

8.1.2. ***Nomination Submission.*** Provided that Members seeking candidacy for a position on the Board satisfy the Candidate Qualifications at the time of nomination, such Members may be nominated or nominate themselves by submitting in writing, via the Nomination Form, to the Manager at any time prior to the Nomination Deadline. Failure to submit a Nomination Form to the Manager prior to the Nomination Deadline will result in the candidate's name being omitted from the ballot.

8.1.3. ***Qualification of Nominees.*** After collecting all properly submitted nominations, the Board, the Manager at the Board's direction, or a Nominating Committee established by the Board, shall: (1) confirm each nominated person's eligibility under these Election Rules; (2) confirm or cause to be confirmed each eligible nominee's acceptance of nomination (if nominated by someone other than the nominee); and (3) prepare or cause the preparation of correspondence to any nominee who was disqualified to run for the Board and the reason(s) for that decision.

8.1.4. ***Disqualification & IDR.*** The Association shall not disqualify a person from nomination if the person has not been provided the opportunity to engage in Internal Dispute Resolution ("***IDR***") with the Association, in accordance with the Association's established IDR Procedures. The Nomination Form may include an offer of IDR to all persons who may be subject to disqualification due to their failure to meet the Candidate Qualifications at the time of nomination.

8.1.5. ***Floor Nominations.*** Notwithstanding the foregoing, nominations may be made from the floor during the Annual Meeting or Special Meeting (or any adjournments thereof). Such nominee(s) must nevertheless meet the Candidate Qualifications. These Election Rules shall serve as an offer to participate in IDR with any nominee that is nominated from the floor that may be subject to disqualification due to the fact that said nominee fails to satisfy one or more of the Candidate Qualifications identified above.

8.1.6. ***Write-in Candidates.*** Write-in candidates are permitted; provided, however, they meet the required Candidate Qualifications. These Election Rules shall serve as an offer to participate in IDR with any write-in candidate that may be subject to disqualification due to the fact that said nominee fails to satisfy one or more of the Candidate Qualifications identified above.

8.2. Notice of Candidates. Thereafter, and not less than thirty (30) days prior to the distribution of Ballots, the Board shall provide general notice of the following:

(a) the list of all candidates that will appear on the ballot;

(b) the date, time and address of where ballots are to be returned by mail or handed to the Inspector;

(c) (if applicable) the date and time by which Electronic Secret Ballots are to be treansmitted to the internet-based voting system and preliminary instruction on how to vote by electronic secret ballot upon commencement of the voting period;

(d) the date, time and address of the meeting at which Ballots will be counted;

(e) a statement of each Member's right to verify the accuracy of their individual information on both the Candidate List and the Voter List (as defined below);

(f) a statement of each Member's right to request individual delivery of the foregoing items; *and*

(g) a statement that the Board may call a subsequent meeting at least 20 days after a scheduled election if the required quourm is not reached, at which time the quorum of the membership to elect directors will be twenty percent (20%) of the Member. The foregoing shall be delivered by individual notice pursuant to California Civil Code section 4040 to any Member requesting individual notice.

8.3. Eligibility to Vote. A person is eligible to vote if, at the time Ballots are distributed, (i) the person is a Member of the Association, or (ii) the person has a general power of attorney for a Member. Members may cast one (1) Ballot per Unit owned by that Member within the Association. If more than one (1) person is the record owner of a Unit, the vote for that Unit shall be decided by said parties between themselves. In the event one or more persons who share ownership of a particular Unit each cast separate Ballots, the Ballot received first by the Inspector shall be treated as the Ballot representing that Unit.

8.4. Cumulative Votes. Cumulative voting shall be utilized during all elections in which more than two (2) positions of the Board are being filled.

8.5. Written Ballot Procedure.

8.5.1. ***Written Ballot Requirements.*** The Written Ballot must satisfy the requirements set forth in the Civil Code and these Election Rules. Written Ballots shall not identify the voter's name, address or Unit number. The Written Secret Ballot itself shall not be signed by the voter. It must be inserted into a sealed envelope. That sealed envelope must then be sealed within a second outer envelope. The outer envelope shall have, in the upper left-hand corner, space for the voter to print and sign the voter's name and print their address within the Association. The outer envelope is pre-addressed to the Inspector(s) who will be counting the votes. The envelope containing the Written Ballot shall then be hand delivered or mailed as set forth herein. A Member of the Association may request a receipt for delivery.

8.5.2. ***Official Ballots Only.*** Only official Written Ballots will be counted. Any unauthorized reproduction of balloting materials, including, but not limited to, the Written Ballot, will render the Written Ballot "unofficial," and therefore will not be counted. A Member of the Association whose Written 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 Written Ballots shall not be counted in any subsequent recount or challenge to the election procedures.

8.5.3. ***Casting of Written Ballots.*** Written Ballots and related materials required for voting shall be sent to Members at least thirty (30) days, but not more than ninety (90) days, prior to the deadline for voting. Any Written Ballots received after the applicable deadline will be disqualified and will not be counted by

the Inspector. A Member whose Written 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 Written Ballots shall not be counted in any subsequent recount or challenge to the election procedures. Members may cast their Written Ballots by any one (1) of the following methods (or as otherwise directed by the Inspector):

(a) Return by Mail Prior to Voting Deadline. Members may mail their Written Ballots to the location designated by the Inspector provided that any Written Ballot so mailed is received no later than the close of business on the date designated for the deadline for voting.

(b) Physical Delivery Prior to Voting Deadline. Members may deliver their Written Ballots (or have their ballots delivered) to the location designated by the Inspector no later than the close of business on the date designated for the deadline for voting; or

(c) Deposit at Ballot Counting Meeting. Members may deposit their Written Ballots with the Inspector at the meeting in which votes are to be tabulated prior to the time set by the Inspector for the closing of the polls.

8.6. Electronic Voting Procedure. The Association may also conduct an election by Electronic Ballot. The voting procedures shall follow the same voting procedures as described in this Article 8, except as otherwise noted in this Section 8.6.

8.6.1. ***Method of Voting.*** Members that have identified electronic mail as their preferred delivery method for receiving notices pursuant to Civil Code section 4041 shall automatically receive an Electronic Ballot unless the Member changes their preferred method of voting. A Member will be sent a Written Ballot if the Member has: (1) not identified electronic mail as their preferred delivery method, (2) not elected to vote by Electronic Ballot, (3) opted-out of the use of an Electronic Ballot, or (4) not provided a valid email address by the time at which Electronic Ballots are to be distributed.

8.6.2. ***Deadline to Change Preferred Method of Voting.*** A Member may change their preferred voting method no later than ninety (90) days before an election by notifying the Manager or Inspector in writing.

8.6.3. ***Notice of Member's Ability to Change Preferred Voting Method.*** At least thirty (30) days prior to the deadline for changing a Member's preferred voting method, the Association shall provide individual notice of the following:

(a) The Member's current voting method.

(b) If the Member's current voting method is by Electronic 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 Ballot.

(c) An explanation that the Member is required to opt out of voting by Electronic Ballot if the Member elects to vote by Written Ballot.

(d) An explanation of how a Member may opt out of voting by Electronic Ballot.

(e) The deadline by which the Member is required to opt out of voting by Electronic Ballot if the Member elects to exercise that right.

8.6.4. ***Notice of Electronic Voting.*** The Association shall deliver individual notice of the Electronic Ballot to each Member at least thirty (30) days before the election via electronic submission to an address, location, or system designated by the Member. The individual notice shall contain instructions on both of the following:

(a) How to obtain access to that internet-based voting system; *and*

(b) How to vote by Electronic Ballot.

8.6.5. ***Floor Nominations & Write-in Candidates Prohibited.*** Notwithstanding Subsections 8.1.5 and 8.1.6 above, floor nominations and write-in candidates are prohibited in elections where Electronic Ballots are being used.

8.7. Election to Approve an Amendment to Governing Documents. If the Association conducts an election to approve an amendment to the governing documents by Electronic Ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those members who vote by Electronic Ballot. 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 Ballot, the Association shall deliver a written copy of the text of the proposed amendment to the Member with the Written Ballot.

8.8. Ballots Must Contain Same Items. Electronic Ballots and Written Ballots shall contain the same list of items to be voted on.

8.9. Ballots are Irrevocable. Once a Ballot is received by the Inspector, it is irrevocable.

8.10. Tabulated Results.

8.10.1. ***Tabulation of Votes.*** All votes shall be counted and tabulated by the Inspector in public at a properly noticed meeting of the Board for the Association and/or Members of the Association after the deadline for voting. Any Member of the Association may witness the counting and tabulation of the votes. No person shall open or otherwise review any Ballot prior to the time the Ballots are counted and tabulated by the Inspector. In an election of directors, the candidate(s) receiving the greatest number of votes shall be elected to office, and the number of candidates elected shall be dependent upon the number of seats open for election.

8.10.2. ***No Advance Review of Electronic Ballots.*** No person, including a Member of the Association or an employee of the management company, shall open or otherwise review any tally sheet of votes cast by Electronic Ballot before the time and place at which the Ballots are counted and tabulated.

8.10.3. ***Tie Votes.*** In the event of a tie vote among the candidates ("**Tied Candidates**"), all other newly elected directors who are not Tied Candidates will immediately begin serving their terms. An incumbent director who is also a Tied Candidate will continue to serve on the Board until the tie is resolved. In lieu of a run-off election and if the Tied Candidates agree, a coin toss may be used to resolve the tie and determine the winner. However, if the Tied Candidates do not agree to resolve the tie with a coin toss, or where a tie involves more than two (2) Tied Candidates, the tie shall be resolved by a run-off election. A new ballot marked "RUN-OFF" containing only the names of the Tied Candidates will be mailed to the Members. These Rules shall apply in the run-off election and shall be enforced to the same degree as in any other election. The person receiving the highest number of votes will be elected.

8.10.4. ***Notice of Tabulated Results.*** The results of the election, as tabulated by the Inspector, shall be (a) promptly reported to the current Board, (b) recorded in the minutes of the next meeting of the Board, and (c) be made available for review by Members of the Association. Within fifteen (15) days of the election, the Board shall give general notice of the tabulated results of the election.

IX. ASSOCIATION ELECTION MATERIALS

9.1 Candidate List & Voter List. The Association shall retain, as association election materials, both a candidate registration list ("***Candidate List***") and voter list ("***Voter List***"). The Voter List shall include the name, voting power, and the physical address of the Member's Unit. The mailing address for the ballot shall be listed on the Voter List if different from the physical address of the Member's Unit.

9.2 Right to Verify Accuracy of Individual Information. Members shall have the right to verify the accuracy of their individual information on the Candidate List and Voter List at least thirty (30) days before ballots are distributed. The Association or Member shall report any errors or omissions to the Candidate List or Voter List to the Inspectors who shall make the corrections within two (2) business days.

9.3 Custody of Election Materials. The sealed ballots, signed voter envelopes, Voter List, proxies, Candidate List, and tally sheet of votes cast by Electronic Secret Ballot shall at all times be in the custody and control of the Inspector, or at such location designated by the Inspector, until after the final tabulation of votes, and until the time allowed by California Civil Code section 5145 for challenging the election has expired, after which time the custody and control of the ballots shall be transferred to the Association. If there is a recount or other challenge to the election process, the Inspector shall, upon written request, make the ballots available for inspection and review by the requesting Member. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

X. INSPECTOR OF ELECTIONS

10.1. Appointment of Inspector. The Board shall appoint either one (1) or three (3) independent third parties to serve as the inspector or inspectors of elections (collectively, "**Inspector**").

10.2. Qualifications of Inspector. The independent third-party Inspector may be a volunteer poll worker with the county registrar of voters, a licensee of the California Board of Accountancy, or a notary public. An independent third party may be a Member, but may not be a Board member, candidate for the Board, or a person related to a Board member or candidate for the Board. An independent third party 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 Inspector.

10.3. Functions of Inspector. The Inspector shall:

10.3.1. Have the responsibilities described in Civil Code section 5110, or any successor statute, and shall perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as practical. The Inspector shall have the authority to consult with the Association's legal counsel in the event of uncertainties in the interpretation of these Election Rules, the Association's governing documents, applicable law, or as might otherwise be necessary to ensure a fair election. All such consultations shall be protected by the Association's attorney-client privilege and shall be kept confidential from all persons other than the Board of Directors.

10.3.2. Deliver, or cause the delivery of, at least thirty (30) days before an election, to each Member the following documents:

(a) The ballot or ballots; and

(b) A copy of these Election Rules. For purposes of this subsection, the delivery of these Election Rules may be accomplished by either of the following methods: (i) Posting the Election Rules to an internet website and including the corresponding internet website address on the ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here:"; or (ii) individual delivery pursuant to California Civil Code section 4040.

10.3.3. Receive reports of errors or omissions contained on the Candidate List and Voter List (both defined elsewhere herein) and shall correct said errors within two (2) business days.

10.3.4. If there are three (3) Inspectors, the decision or act of a majority shall be effective in all respects as the decision or act of all Inspectors.

10.3.5. The Inspector shall have the right to appoint and oversee such additional persons as the Inspector deems appropriate to verify signatures and to count and tabulate votes, provided that the persons are independent third parties.

10.3.6. Members requesting a ballot during the Annual Meeting may be required to provide the Inspector with proof of residency (e.g., a utility bill, driver's license, grant deed)

XI. PROXIES

11.1. Proxies. Each Member may vote by proxy. Each proxy shall (a) be in writing, (b) identify the person (the "**Proxyholder**") authorized to vote on behalf of the Member (the "**Proxygiver**"), (c) state the length of time the proxy is valid, (d) be signed by the Proxygiver, and (e) filed with the secretary (if the proxy is of a general nature and intended to apply to multiple elections – e.g., quorum only proxies) or Inspector (if the proxy is given for a limited purpose – e.g., participating in a particular ballot measure). A proxy shall be deemed signed if the Proxygiver's name is placed on the proxy (whether by manual signature, typewriting, or otherwise) by Proxygiver or the Proxygiver's attorney-in-fact. Only Members may serve as Proxyholders.

11.2. Term & Duration. No proxy shall be valid after the expiration of eleven (11) months from the date of the proxy unless otherwise provided in the proxy, except that the maximum term of any proxy shall be three (3) years from the date of

execution. A proxy shall automatically terminate upon conveyance of the Proxygiver's Unit.

11.3. Validity for Certain Matters. No proxy shall be valid as to those matters described in California Corporations Code section 7613(g) unless it sets forth the general nature of the matter as required by Section 7613(g).

11.4. Revocability. A validly executed proxy that does not state that it is irrevocable shall continue in full force and effect unless revoked, prior to receipt of the Proxyholder's completed ballot by the Inspector, through any of the following methods: (a) the Proxygiver delivering written notice to the Inspector that the proxy has been revoked; (b) a subsequent proxy executed by the Proxygiver; (c) by the Proxygiver's personal attendance and request to vote at the meeting, prior to the distribution of a ballot to the Proxyholder by the Inspector; (d) by the Proxygiver's return of a completed ballot to the Inspector, or (e) written notice of the death or incapacity of the Member received by the Association before the tabulation of votes.

11.5. Voting Instructions and Choice of Approval/Disapproval. Any form of proxy distributed by any person to the Members shall afford the opportunity to specify a choice between approval and disapproval of each matter or group of matters to be acted upon, except that a candidate for election as a Director need not be named in the proxy or ballot. The proxy shall provide that where the Member specifies a choice the vote shall be cast in accordance with that choice. If the proxy is to be used in a vote held pursuant to the secret ballot procedure, any instruction to the Proxyholder as to how to cast the Member vote(s) shall be set forth on a separate page and retained by the Proxyholder. A proxy may be revoked as described in Corporations Code section 7613(g) prior to the receipt of the ballot by the Inspector.