

Election Rules

CAMDEN COVE HOMEOWNERS ASSOCIATION

APPLICATION OF RULES:

These rules shall apply only to the following elections:

1. Elections and removal of the Members of the Board of Directors;
2. Amendments to the Governing Documents (as defined in Civil Code);
3. Grant of exclusive use of a portion of the common area, to any member, pursuant to Civil Code §4600.
4. Approval of an assessment increase above the levels allowed to be made by the Board of Directors pursuant to Civil Code;

QUALIFICATIONS FOR MEMBERSHIP VOTING:

Only Owners of record, as defined in CC&Rs, are qualified to be a Member of the Association. A Member shall be entitled to one (1) vote for each Lot or Unit owned. When more than one person holds an interest in any Lot or Unit, all such persons shall be Members. The vote for such Lot or Unit shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Apartment, Lot or Unit.

A Member's vote may be cast in every election unless following Notice and Hearing before the Board of Directors, or other appropriate Association committee, following a procedure described in Corporations Code §7341, it has been determined that the Member is not in good standing as defined herein below.

For purposes of these rules "not in good standing" shall mean that the Member at the time of the determination:

(i) Owes the Association an undisputed debt for assessments, penalties, costs, interest, late charges, judgment or fine, which is more than 90 days old. For purposes of this rule such a debt is "undisputed" if the Member has: (A) not challenged the debt with credible written evidence, or (B) the Member has requested and attended a hearing before the Board of Directors, or other appropriate Association committee, which resulted in an overall determination favorable to the Association;

(ii) Has current violation(s) of the Association's Governing Documents (as defined in the California Civil Code) which is/are unremedied for more than 90 days following notice of the violation from the Association or which are unsuccessfully challenged by the Member at a hearing. For purposes of this rule a violation is successfully challenged by the Member when the Member has: (A) opposed the violation with credible evidence, and (B) requested and attended a hearing before the Board of Directors or other appropriate Association committee, where the hearing resulted in a determination generally favorable to the Member. Any other action by the Member or result following a hearing is an unsuccessful challenge;

(iii) Is currently in litigation with the Association, or within the 36 months prior to the election has been, a party in litigation against the Association in which the Association was the prevailing party.

QUALIFICATIONS FOR CANDIDACY AND CONTINUED SERVICE ON THE BOARD OF DIRECTORS:

Pursuant to the Association's Governing Documents, any Candidate for a position on the Association's Board of Directors must be in good standing with the Association. For purposes of these rules "not in good standing" shall have the same meaning as described/defined above, and/or that the Candidate, at the time of the nomination, is burdened by a judgment in favor of the Association.

In any event, any qualified Candidate may nominate himself/herself to run for a director position, in accordance with the Governing Documents, the California Civil Code, and California Corporations Code.

Only Candidates who are in good standing are qualified to be Candidates for election to the Board of Directors. All potential Candidates must fill out the application form, "Declaration of Candidacy" a minimum of thirty (30) days prior to the date posted in the Notice for Board of Director Election. (Example: Notice posts date of Elections to be held on October 24, Declaration would be due prior to September 24) Once the potential candidate has been determined to be qualified and meets the requirements stated below, they may be considered a "Candidate" for the Board of Director's Election.

No Member may be a Director or Candidate for election to the Board of Directors who, after Notice and a Hearing in accordance with a procedure described in Corporations Code §7341, before the Board of Directors, or other appropriate Association committee, has been determined to be:

1. Convicted of a felony;
2. A Member "not in good standing";
3. A Member that is burdened by a judgment in favor of the Association; or is currently in litigation with the Association;
4. A member that is married to, or related by blood, or sharing a common household with any other Member of the Board of Directors;
5. A member that is married to, has a family member, or relative, or shares a common household with, any Association Employee;
6. The Candidate and/or Director cannot be bonded by the company providing the Association fidelity bond coverage.

SOLICITATION / CAMPAIGN MATERIALS:

Any "Candidate" wishing to present campaign materials to the Members may do so by any reasonable means, and at the Candidate's sole expense.

SELECTION OF INSPECTOR(S) OF ELECTION:

Prior to the presentation of any issue to the Members for a vote, the Association shall appoint one (1) or three (3) Inspector(s) of Election. The Inspector(s) of Election appointed by the Board of Directors may be any person or entity other than: (1) a Director; (2) a Candidate; (3) any of the Director's relations; or (4) any of a Candidate's relations. The appointed Inspector(s) of Elections must be an independent third party and may include, but not be limited to, a Member of the Association or any person or entity employed by and receiving compensation from the Association.

The Inspector(s) of Election shall use these rules, the Civil Code and the Corporations Code, shall consider the advice of the Association's corporate counsel, and shall attempt, in so far as possible, with fairness to all, to allow the vote of each Member, and be consistent, in the discharge of his/her responsibilities.

MEETING CONDUCT:

Any count or tabulation of ballots shall be done at an open meeting of the Delegates or the Board of Directors. Any Candidate or Member may observe the count, but shall stand at least ten (10) feet away from the Inspector(s) of Election. Candidates and/or Members may not harass, cajole, distract, molest, communicate with, or otherwise interfere with the Inspector of Elections while the count is taking place. Prior to the completion of the count or tabulation, Members or persons not specifically authorized to do so by the Inspector of Elections may not touch any ballot or other election materials. All ballots will be made available for inspection by any Candidate or Member during regular business hours at the Association's management office once the meeting is concluded. Any person violating this Section may be asked by the Inspector of Elections to leave the meeting, the count and tabulation may be continued to a different time and/or place, or any other reasonable step(s) may be taken by the Inspector(s) to prevent further disruption.

The authenticity, validity and effect of proxies shall be determined by the Inspector of Election. The polls for any vote of the Delegates shall open at a properly noticed and convened meeting of the Delegates and shall be closed at the time that envelopes are opened, unless the Inspector determines another time for the polls to close. The polls for any vote of the Delegates shall close when the Inspector of Election has determined that the ballots shall be counted.