

**WATERGATE COMMUNITY ASSOCIATION  
ELECTION AND VOTING RULES  
Adopted 6/18/18**

**Proposed Election and Voting Rules**

Pursuant to California Civil Code Section 5100 *et seq.*, the Watergate Community Association (“**Association**”) hereby adopts the following election and voting rules:

**Voting**

There is one (1) class of voting membership; all Members whose voting rights were not suspended as of the record date for the election shall be entitled to cast one (1) vote for each Condominium owned. As long as any co-Owner of a Condominium has suspended voting rights, no vote shall be permitted for that Condominium.

Proxies are allowed. Cumulative voting is prohibited.

**Equal Access for Campaigning Purposes**

All candidates and points of view are entitled to equal access to the membership in order to ensure fair campaigning procedures. Members shall have equal access to meeting places, newsletters, websites, and all other Association media, for purposes reasonably related to the election and at no cost to candidates. The Association, its Directors, officers, and agents shall be immune from liability for the content of such communications.

**Qualifications to Serve on the Board of Directors**

Each Director must be an Owner who is not delinquent in the payment of any assessment levied against the Owner's Unit or any monthly assessment or fine. The number of Directors to be elected is seven (7). Each Director shall serve staggered terms of two (2) years until the election and qualification of his or her successor. Four (4) Directors being elected in one given year and three (3) Directors being elected the next year.

**Nominations to the Board**

Nomination for election to the Board shall be made by the Board or any Member. Nominations may be made in writing or orally at any time prior to the closing of nominations at any meeting at which an election is to be held. A reasonable time to allow for nominations from the floor shall be provided at any such meeting.

**Voting by Secret Ballot**

For those matters requiring a vote by secret ballot, secret ballots shall be distributed to the Members by first-class mail or personal delivery at least thirty (30) days prior to the deadline for voting or meeting of the Members to consider the matter to be voted upon.

Secret ballots shall use the double envelope method to assure the secrecy of the vote, *i.e.*, the ballot is not signed and is placed in a plain envelope which is sealed and placed in another envelope which identifies the Member by (i) name and address that entitles the Member to vote and (ii) is signed and dated by the Member.

In order to cast a vote, a Member must either (i) deliver (by mail or hand delivery) the completed secret ballot to the election inspector(s); or (ii) attend the meeting (if any) and complete and submit the secret ballot at that time (but in no instance may a Member submit a secret ballot at a meeting after the election inspector(s) has commenced tabulation of the ballots).

### **Election Inspector(s)**

The Board shall appoint either one (1) or three (3) independent and impartial third party election inspectors to conduct elections. Election inspectors may not be Board members or candidates for the Board or related to Board members or candidates for the Board but they may be Members of the Association. The Board may appoint the Association's management company or other agent to act as election inspector(s).

The election inspector(s) shall perform all of the following functions:

- (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 close, consistent with the Governing Documents.
- (7) Determine the tabulated results of the election and report results to the Board.
- (8) Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with the California Civil Code and Corporations Code, and all applicable rules of the Association regarding the conduct of the election that are not in conflict with the California Civil Code.

The sealed ballots shall remain in the custody of the election inspector(s) until counted. If there are three (3) election inspectors, the decision or act of a majority shall be effective in all respects as the decision or act of all. All votes shall be counted and tabulated by the election inspector(s) in public at a properly noticed open meeting of the Board of Directors or Members. The election inspector(s) may appoint and oversee additional persons to assist in counting and tabulating votes. Any Member may witness the counting and tabulation of the votes.

Within fifteen (15) days of the election, the Board shall report the results of the election in a communication directed to all Members. Ballots shall be retained by the election inspector(s) for one year following the election at which time custody shall be transferred to the Association. In the event of a recount or other challenge, the election inspector(s) or the Association shall, upon written request, make the ballots available for inspection and review.

### **Remedies for Violations of these Election Rules**

A Member who prevails in a court action to enforce his or her rights will be entitled to reasonable attorneys' fees and court costs and may recover a Five Hundred Dollar (\$500.00) penalty for each violation of the provisions of California Civil Code Section 5100 *et seq.* or other superseding statutes. If a Member's challenge is found to be frivolous, unreasonable or without foundation, the Association shall be entitled to recover its costs, including reasonable attorneys' fees and court costs.