

OAKMONT VILLAGE ASSOCIATION
Election and Voting Rules

(Adopted February 28, 2018)

These Election and Voting Rules ("Election Rules") have been adopted by the Board of Directors of Oakmont Village Association, in accordance with applicable statutory requirements. These Election Rules are intended to comply with Sections 5100 through 5145 of the California Civil Code, as well as any successor statutes thereto, and the Association's Governing Documents.

I. Definitions

Whenever used in these Election Rules, the following capitalized terms shall have the following meanings:

- A. The term "**Association**" shall mean the Oakmont Village Association.
- B. The term "**Batch**" shall mean a group of 25 ballots.
- C. The term "**Board**" or "**Board of Directors**" shall mean the board of directors of the Association.
- D. The term "**Bylaws**" shall mean the bylaws of the Association.
- E. The term "**Candidate**" shall mean a candidate for election to the Association's Board of Directors, including both incumbents and non-incumbents.
- F. The term "**Director**" shall mean a person who serves on the Board of Directors.
- G. The term "**Governing Documents**" shall mean the governing documents of the Association, including, without limitation, (1) the Bylaws, (2) any protective restrictions, covenants and conditions applicable within the Association and (3) any rules, regulations and policies adopted by the Board from time to time that apply generally to the conduct of the business and affairs of the Association.
- H. The term "**Inspector**" or "**Inspector of Election**" shall mean an independent third party acting as the inspector of election in any Association election conducted by Secret Ballot.
- I. The term "**Member**" shall mean a member of the Association.
- J. The term "**Secret Ballot**" shall mean a ballot used in (1) an Association election which is subject to the secret ballot voting requirements of the California Civil Code or (2) an election on any topic that is expressly identified in the Governing Documents as required to be held by secret ballot, if any.

II. Equal Access

- A. If any Candidate or Member advocating a point of view is provided access to Association media, newsletters, or Internet Web sites during a campaign, for purposes that are

reasonably related to that election, equal access shall be provided to all Candidates and Members advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election. The Association shall not edit or redact any content from communications by a Candidate or a Member, but the Association may include a statement specifying that the Candidate or Member, and not the Association, is responsible for that content; the Association shall not be responsible for the content of Candidate or Member communications, regardless of whether such a statement is included.

- B. Access to common area meeting space shall be made available during a campaign, at no cost, to all Candidates, including those who are not incumbents, and to all Members advocating a point of view, including those not endorsed by the Board, for purposes reasonably related to the election. Such access, as may be applicable, shall be made available upon the request of a Candidate or Member, and shall be scheduled at a reasonable time(s) by the Board.

III. Qualifications for Candidates

- A. A Member shall not qualify as a Candidate if (1) previously convicted of a felony or (2) declared of unsound mind by a final court order.
- B. To be eligible to serve on the Board, a Candidate must (1) be a Member of the Association, (2) be in good standing, and (3) not have served as an elected director for two (2) consecutive terms (immediately prior), in accordance with the qualifications for Directors set forth in the Bylaws (Article V, Sections 5.2 and 5.3.2).

IV. Procedures for Nomination of Candidates

- A. Pursuant to Section 5.4 of the Bylaws, a Nominating Committee (the "Committee") shall be appointed by the Board annually, on or before December 1st of each year. The Committee shall consist of five (5) Members from the membership at large, one of whom shall be designated as Chair of the Committee, pursuant to the Bylaws (Article V, Section 5.4). The Committee shall perform the duties described in the following procedures for the nomination of Candidates, as well as any other duties properly delegated by the Board; provided, however, that the powers of the Committee shall not in any way limit or prevent the Members' right to make nominations in the manners described in Subsections E, F and G of this Article IV.
- B. The Association, through the Committee, shall distribute to all Members a notice seeking Candidates for the Board (the "Candidacy Notice") at least ninety (90) days prior to the date of each annual meeting of Members at which Directors will be elected, and the Committee shall have the right to set a deadline for return of such Candidacy Notices in its discretion. The Candidacy Notice shall provide a space for any Member interested in being a Candidate to indicate his or her name, separate interest address within the Association's development, mailing address (if different), other contact information and signature, and include a deadline for return of the completed Candidacy Notice to the Association. Any Member submitting a completed Candidacy Notice will be required to certify on the Candidacy Notice that he/she (1) has not been convicted of a felony, (2) has not been declared of unsound mind by a final court order and (3) meets the qualifications for Candidates and Directors set forth in the Governing Documents. Any Member submitting

an incomplete Candidacy Notice or failing to submit a completed Candidacy Notice by February 1st shall not have his or her name included in the Secret Ballot or other voting materials for that election.

- C. Pursuant to Section 5.4.1 of the Bylaws, no later than February 1st of each year, the Committee shall present the Board, for publication, a slate of no less than two (2) more Candidates than the number of Director positions open and to be elected at the upcoming annual election. Neither the foregoing requirement nor the provisions applicable to the Committee in these Election Rules shall limit the Association's ability to develop additional protocols or requirements to be complied with and/or utilized by the Committee.
- D. The Candidacy Notice shall include a space for each Candidate to submit a written statement (the "Candidacy Statement") reasonably related to the election, including advocating a point of view; the length of the Candidacy Statement shall be limited to three hundred (300) words or fewer pursuant to Article V, Section 5.4.5 of the Bylaws. A Candidacy Statement shall be included with the Association's mailing of the voting materials for the election if the Candidacy Statement is provided to the Association with a completed Candidacy Notice by the stated deadline.
- E. If a fully completed Candidacy Notice is not timely received by the Association, a Member may nominate himself or herself, or may be nominated by another Member, from the floor at the annual meeting at which the election will be held, pursuant to the Bylaws (Article V, Section 5.44). A Member who desires to vote for any Candidate nominated from the floor may complete and vote a Secret Ballot at the annual meeting if the Member has not previously submitted a Secret Ballot for that election. A Member nominated from the floor must accept the nomination in order to be a valid Candidate and/or seated on the Board. Further, such Candidate shall be required to certify that he/she (1) has not been convicted of a felony, (2) has not been declared of unsound mind by a final order of court and (3) meets the qualifications for Candidates and Directors set forth in the Governing Documents and these Election Rules.
- F. If a fully completed Candidacy Notice is not timely received by the Association in accordance with the deadline set forth for the Candidacy Notice by the Committee, a Candidate may also:
 - 1. Nominate him or herself, or may be nominated by another Member, as a write-in Candidate. A Member who desires to nominate any Member as a Candidate may write in such Member's name on the Secret Ballot for that election, and such action shall constitute a nomination of such Member as a Candidate. A Member nominated by write-in on a Secret Ballot must accept the nomination in order to be a valid Candidate and/or seated on the Board. Further, such Candidate shall be required to certify that he/she (1) has not been convicted of a felony, (2) has not been declared of unsound mind by a final order of court and (3) meets the qualifications for Candidates and Directors set forth in the Governing Documents. In order to provide the Committee an opportunity to comply with the requirements of Subsection (c) of this Article IV, any self-nomination by a Member must be received by the Nominating Committee no later than January 15th in order to be properly validated as a qualified Candidate and included in the slate of nominees to be provided by the Committee to the Board.

2. Without limiting the foregoing requirements of this Article IV, and pursuant to Section 5.4.3 of the Association's Bylaws, Members representing no less than two percent (2%) of the total voting power of the Association may nominate candidates for election as Directors by a written petition, signed by such Members and delivered to a Director of the Association not later than February 15th (the date of March 1st in the Bylaws is inconsistent with the requirement that ballots be mailed to owners at least thirty (30) days prior to the tabulation of the ballots).

G. The general duties of the Committee shall include, without limitation, the following:

1. Overseeing the preparation and distribution of the Candidacy Notice to all Members.
2. Receiving and validating completed Candidacy Notices and/or self -nominations from Members and placing qualified Candidates in nomination for election to the Board.
3. Nominating any number of other Candidates for election to the Board of Directors as the Committee shall in its discretion determine, the total of all nominations being not less than two more candidates in excess of the number of vacancies that are to be filled; provided, however, that nothing contained in this provision or in any other provision of these Election Rules shall prevent or limit a Member's right to self-nominate himself or herself, or nominate another Member by writing-in such Member's name on a Secret Ballot notwithstanding any nominations made by the Committee. If a person self nominates, they must fill out the nomination forms and deliver them to the Nominating Committee so that their names can be placed on the ballot. A Member nominated by the Committee must accept the nomination in order to be a valid Candidate and/or seated on the Board.

H. In the event the date of the annual meeting of Members is altered or modified by the Board for any reason, the foregoing timelines and procedures set forth in this Article IV may be modified accordingly to be consistent with the requirements of the Bylaws and other requirements of these Election Rules.

V. Qualifications for Voting

- A. Record dates for determining Members entitled to receive notice of a meeting, and for determining Members entitled to vote at a meeting, shall be established in accordance with the Bylaws (Article III, Section 3.2.1) and Section 7611 of the California Corporations Code. The Board shall have the sole discretion in determining the record dates described in this paragraph.
- B. Members who are in good standing may vote in all Association elections. A Member is in "good standing" for voting purposes unless his or her voting rights have been suspended. A Member's voting rights may be suspended after proper notice and an opportunity to be heard before the Board of Directors, in accordance with the Bylaws (Article II, Section 2.8) and any Governing Documents applicable to the Association.

VI. Voting Power of Each Member

- A. Members shall have one (1) vote per separate interest owned, pursuant to the Bylaws (Article IV, Section 4.1). Pursuant to Article IV, Section 4.1 of the Bylaws, the following reflects the voting power in the Association:
 - 1. There shall be one (1) vote for each residential unit owned within the Association.
 - 2. There shall be one (1) vote for each residential unit where the purchaser is entitled to possession under a contract to purchase; provided, however, that *in* such instance, the record holder of legal title shall not be entitled to vote.
 - 3. There shall be one (1) vote for each leased apartment within Oakmont Gardens.
- B. Cumulative voting shall not be allowed in any election of Directors.
- C. No fractional votes are allowed in the election of Directors, or otherwise.

VII. Proxies

- A. Any Member entitled to vote may do so by proxy, in accordance with the Bylaws (Article IV, Section 4.3).
- B. A "*proxy*" means a written authorization signed by a Member or the authorized representative of the Member that gives another Member or Members the power to vote on behalf of that Member. For purposes of this *definition*, "signed" means the placing of the Member's name on the proxy (whether by manual signature, typewriting, telegraphic transmission, or otherwise) by the Member or authorized representative of the Member.
- C. Proxies shall not be construed or used in lieu of a ballot (whether a Secret Ballot or other written ballot).
- D. The use of proxies shall meet the requirements of the Governing Documents, Section 7613 of the California Corporations Code and other provisions of law.
- E. Notwithstanding Section 4.3 of the Bylaws, the Association shall not be required to prepare or distribute proxies.
- F. Any instruction given *in* a proxy that directs the manner in which the proxy holder is to cast the vote must be set forth on a separate page of the proxy that can be detached and retained by the proxy holder. Neither the Association nor the Inspector will be responsible for ensuring that the proxy holder votes in accordance with the Member's instructions.
- G. A proxy may be revoked by a Member prior to the receipt of a Secret Ballot by the Inspector (or receipt of other written ballot by the Association), as described in Section 7613 of the California Corporations Code. A Member's attendance at the meeting at which the proxy holder casts, or intends to cast, the Member's vote does not automatically revoke the proxy.

VIII. Inspector of Election

- A. At an open session Board meeting prior to the date Secret Ballots for an election are to be distributed to the Members, the Board shall select an independent third party or parties as an Inspector or Inspectors for any election by Secret Ballot; the number of Inspectors shall be one (1) or three (3).
- B. The Board may, but shall not be required to, submit the selection of the Inspector or Inspectors to a vote of the Members. If the Board fails to appoint an Inspector, then, upon demand by the Members, the Board shall submit to the Members for vote the name of one or more proposed independent third party to *act* as an Inspector.
- C. For purposes of these Election Rules, an independent third party includes, but is not limited to, 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 not be a Director, a Candidate, or be related to a Director or to a Candidate by blood, marriage, adoption, or domestic partnership. 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, unless expressly authorized by these Election Rules.
- D. The Association's auditor/accountant is expressly authorized by these Election Rules to act as the Inspector or Inspectors and may be appointed by the Board accordingly.
- E. The Inspector or Inspectors shall do all of the following:
 - 1. The Inspector shall specify to the Association where the sealed Secret Ballots are to be mailed or hand-delivered, in order that the Association can properly pre-address the ballot voting materials mailed out to Members.
 - 2. Determine the number of memberships entitled to vote and the voting power of each.
 - 3. Determine the authenticity, validity, and effect of proxies, if any.
 - 4. Receive Secret Ballots and determine the validity of those Secret Ballots and their compliance with the Secret Ballot requirements of these Election Rules and the Governing Documents.
 - 5. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
 - 6. Count and tabulate all votes in accordance with these Election Rules and the Association's governing documents.
 - 7. Determine when the polls shall close, consistent with the Governing Documents.
 - 8. Determine the tabulated results of the election.

9. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with provisions of the law.
- F. An Inspector shall perform all duties impartially, in good faith, to the best of the Inspector's ability, and as expeditiously as is practical.
- G. The Inspector or Inspectors may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector or Inspectors deem appropriate, provided that such persons are independent third parties.
- H. The Inspector has the authority to confer with the Association's legal counsel in advance of or at the meeting where Secret Ballots are to be counted. By the adoption of these Election Rules, the Association's legal counsel has been authorized by the Board of Directors *to* provide advice, as determined necessary or prudent by the Association's legal counsel, for the limited purpose of informing and advising the Inspector regarding issues related to the Inspector performing his or her duties for the Association, and the Association waives the attorney-client privilege for that limited purpose.
- I. If there are three (3) Inspectors, the decision or act of a majority of the Inspectors shall be effective in all respects as the decision or act of all. Any report made by the Inspector or Inspectors is prima facie evidence of the facts stated in the report.
- J. The Board may, at its discretion, pay compensation to the Inspector.
- K. Prior to the election, the Association shall provide the Inspector with a current list of all Members and a list of those Members whose voting rights have been duly suspended. The Inspector shall take appropriate steps, including making notations or otherwise by marking the membership list and/or sealed Secret Ballot envelopes, to prevent Members not in good standing from voting.
- L. If any election meeting is adjourned due to lack of a quorum, the Inspector shall retain custody of such secret ballots and bring them to the adjourned meeting; new Secret ballots shall not be required from any Member who has cast a valid Secret Ballot vote in accordance with these Election Rules.
- M. The Inspector may request that the meeting be recessed to allow the Inspector to complete the counting and tabulation of the Secret Ballots to another time, provided that such counting and tabulation of Secret Ballots at all times be in accordance with these Election Rules. Notice of the recessed meeting shall be given to all Members at the meeting where the counting and tabulation occurs and shall identify the location, date and time when the counting and tabulation will resume. The Inspector will continue to maintain custody of all Secret Ballots until the counting and tabulation is complete.

IX. Procedures for Elections by Secret Ballot

- A. The Association shall utilize a Secret Ballot process for elections regarding any of the following matters:
 1. Assessments requiring a vote of the Members.

2. Election or removal of Directors.
 3. Amendments to the Governing Documents.
 4. The grant of exclusive use of the common area.
 5. An election on any other topic that is expressly identified in the Governing Documents or the California Civil Code as required to be held by Secret Ballot.
- B. Secret Ballots and two (2) pre-addressed envelopes with instructions on how to return the Secret Ballots shall be mailed by first-class mail or otherwise delivered by the Association to every Member not less than thirty (30) days prior to the deadline for voting. The deadline for voting and the times at which the polls will open and close shall be noticed with the Secret Ballot.
- C. In order to preserve confidentiality, a voter may not be identified by name, address, or separate interest on the Secret Ballot. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of vote by Secret Ballots, including all of the following:
1. The Secret Ballot itself is not signed by the voter, but is inserted into the inner envelope provided, which is then sealed. This inner envelope is then inserted into a second (“outer”) envelope that is then sealed. In the upper left-hand corner of the outer envelope shall be the preprinted voter’s name and address of the separate interest that entitles the voter to vote. The voter shall then sign the voter’s name in the space provided adjacent to his/her printed name.
 2. The outer envelope shall be postage-paid and addressed to the location selected by the Inspector or Inspectors to receive the ballots. Ballots may be mailed or hand delivered to the Inspector’s address. The Member may request a receipt for delivery. (Because the outer envelope is postage-paid and preaddressed to the location selected by the Inspector, no ballot box on the Association premises is necessary.)
- D. A quorum shall be required as stated in the Governing Documents or as may be required by law. If a quorum is required, each Secret Ballot received by the Inspector shall be treated as a Member present at a meeting for purposes of establishing a quorum. Except for votes or elections which may be subject to specific quorum requirements pursuant to the Governing Documents or applicable law, the quorum requirement to be used in Association elections shall be twenty-five percent (25%) of the voting power, as described in Article III, Section 3.5 of the Bylaws.
- E. 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 Secret Ballot.
- F. A Member who owns multiple separate interests must submit separate sealed Secret Ballots for each separate interest owned.

- G. Once a Secret Ballot is received by the Inspector, it shall be irrevocable. If more than one valid Secret Ballot is received for any Member's separate interest, the first Secret Ballot received shall be the one counted; if it cannot be determined which Secret Ballot was the first received, the Secret Ballots will not be counted, except for the purpose of establishing a quorum.
- H. All votes shall be counted and tabulated by the Inspector or the Inspector's designee in public at a properly noticed open meeting of the Board or Members. Any Candidate or other Member of the Association may witness the counting and tabulation of the votes. No person, including a Member of the Association or an employee of the Association's management company, shall open or otherwise review any Secret Ballot prior to the time and place at which the Secret Ballots are counted and tabulated; provided, however, that the Inspector, or the Inspector's designee, may verify the Member's information and signature on the outer envelope prior to the meeting at which Secret Ballots are tabulated.
- I. Except for the meeting to count the votes required above, an election may be conducted entirely by mail.
- J. The inspector is responsible for collecting and storing all ballots in a secure manner that allows only the inspector or his/her designees access to the ballots. The sealed Secret Ballots at all times shall be in the custody of the Inspector at a location designated by him until tabulation of the vote is finalized, and until the time allowed by the California Civil Code for challenging the election has expired, at which time custody may be transferred to the Association.
- K. All secret ballots must be legible and clearly marked. If a Secret Ballot is marked to cast more votes than the maximum number of votes allowed for an election, the Secret Ballot will be used for quorum purposes only and shall not count towards the vote.

X. Registration of Members in Person

- A. A Member who chooses to vote in person at a meeting of the Members or Board must present himself or herself at the registration table area at the meeting to submit his or her ballot.
- B. If a Member has lost or misplaced his or her voting materials, the Member can request replacement voting materials at the registration table area at the meeting of the Members or Board. For elections by Secret Ballot, the Inspector or the Inspector's designee may request photo identification from the Member to confirm the Member's identity.
- C. When voting in person at a Member or Board meeting, in order for a Member's vote to count, the Member must comply with all of the procedures and requirements contained in these Election Rules.

XI. Preparing for Counting the Votes

- A. The Association shall, under the guidance of the Inspector, prepare and deliver to the Inspector the required Batch Identification Envelopes, Count Sheets and Tabulation Envelopes.
- B. The Association shall designate a room for counting ballots. The number of tables and arrangement of the room shall be determined by the Inspector. Each table shall be identified with its own number and shall have the following supplies:
 1. four chairs
 2. two pencils
 3. two calculators
 4. one box for the counted ballots
- C. The Inspector shall arrive with ballots sealed in their outer envelopes and separated into two groups: those that the Inspector has determined to be “valid”, which shall have been clearly marked with the Inspector’s designation for valid ballots, and those that the Inspector has determined to be “challenged”, which shall have been clearly marked with the Inspector’s designation for Challenged ballots. The Inspector shall inform the observers as to their rights and responsibilities and shall inform the Counting Volunteers as to their procedures and duties.
- D. The Inspector shall open the Outer Envelopes, remove the Inner Envelopes, open the Inner Envelopes and remove the ballots in any order of the Inspector’s choosing. The Inspector shall ensure that all envelopes have been emptied of their contents. The ballots shall be combined into Batches of 25 in preparation for delivery to Count Tables.
- E. The Inspector (or the Inspector’s designee) shall randomly select 4 volunteer vote counters to comprise a “Count Team” for each table. Each member of the Count Team shall have a designated task. Each Count Team shall have:
 - One (1) vote Reader
 - One (1) vote Verifier, and
 - Two (2) vote Tabulators

XII. Counting the Votes

- A. The Inspector shall deliver Batches to each Count Table.
- B. The Reader shall pick up one ballot at a time and read the name of each of the candidates who received a vote on that ballot in a manner such that Team Tabulators will be able to accurately record each vote, and then hand the ballot to the Verifier.
- C. The Verifier shall check the ballot being read and confirm that the Reader has read it correctly. After the ballot has been read, the Verifier shall place it face down on the table.
- D. The two tabulators shall each record in the first row of their own count sheet, votes for each candidate as read by the Reader and checked by the Verifier. When each Batch has been read in this manner, the Verifier shall insert it into a Batch Identification envelope marked with the table number and Batch number.

- E. After four Batches have been completed, the Verifier shall place them in the Tabulation Envelope and mark it with the table # and vote count of the four envelopes it contains. The Tabulators shall then start a new count sheet.
- F. The Inspector shall pick up the Tabulation Envelope and deliver One (1) or more Batches of ballots and their Batch Identification Envelopes, together with two (2) new Tally Sheets and a new Tabulation Envelope.

XIII. Automatic Recount Procedure; Tiebreaker

- A. If, after all of the votes have been counted, the difference between the Candidate elected with the fewest votes and the Candidate not elected with the most votes is 1% or less than the total number of votes between those two Candidates, then there shall be an Automatic Recount.
- B. The Inspector shall announce that a recount will occur and, after a short rest break, the recount shall commence. No volunteer Counters shall recount the same ballots that they counted in the first vote count. If the same volunteer counters participate in the recount, they shall retain the same roles they had originally.
- C. The Automatic Recount shall follow the same procedures as the first counting of the votes.
- D. If, after the automatic recount, a tie remains for the last available Director's seat, those Candidates shall attempt to decide amongst themselves which candidate shall be elected. If they cannot decide among themselves which candidate is to be elected, the decision shall be made by a coin toss.

XIV. Replacement Ballots

If a Member has not yet voted and lost or misplaced his or her voting materials, the Member may obtain replacement voting materials at the Association office on or before the final day of voting. For elections by Secret Ballot, the Association may request photo identification from the Member to confirm the Member's identity.

XV. Election Results

- A. The tabulated results of the election shall be promptly reported to the Board, shall be recorded in the minutes of the next meeting of the Board, and shall be available for review by Members of the Association.
- B. Within fifteen (15) days of the election, the Board shall give general notice of the tabulated results of the election, in accordance with the requirements of the California Civil Code.

XVI. Right to Inspect or Review Ballots

The Inspector or Inspectors of Elections shall, upon written request, make the ballots available for inspection and review by a Member or the Member's authorized representative. Any inspection or review by a Member or Member's authorized representative shall be conducted in a manner that preserves the confidentiality of the vote.

XVII. Requested Recount or Challenge to the Election Process

- A. The time-period in which a Member may challenge an election shall be five (5) days as set forth in the California Elections Code section 15620.
- B. Any request for a recount must be made in writing and received by the Association within the time-period set forth above.
- C. The Member or Members who made timely requests for a recount shall be responsible for all costs and expenses related to such recount, including the costs of giving notice to the candidates and the membership at large of the time and place of the recount. The Association shall provide an estimate of the costs and expenses of the recount to the requesting Member or Members. Such estimated sum shall be deposited with the Association prior to the recount. If the recount changes the outcome of the election, the monies deposited shall be returned to the requesting Member or Members who paid the deposit. If the recount does not change the outcome of the election, any funds deposited in excess of the actual costs of the recount shall be refunded to the Member or Members who paid the deposit.
- D. Any recount shall be conducted in a manner that preserves the confidentiality of the vote and shall be conducted using the same procedures as the original count described in these Election and Voting Rules.

XVIII. Use of Association Funds for Campaign Purposes

- A. Association funds may not be used for campaign purposes in connection with any Association election except to the extent necessary to comply with the duties of the Association imposed by law. "Campaign purposes" include, but are not limited to, the following:
 - 1. Expressly advocating the election or defeat of any Candidate.
 - 2. Including the photograph or prominently featuring the name of any Candidate on a communication from the Association or the Board, excepting the ballot, ballot materials, or a communication that is legally required, within thirty (30) days of an election; provided, however, this is not a campaign purpose if the communication is one for which the California Civil Code requires that equal access be provided to another Candidate or advocate.
- B. Unless otherwise provided by the California Civil Code, the foregoing restrictions on the use of Association funds for campaign purposes shall apply only to the election and removal of Directors.

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