

Kentfield Commons
Homeowners Association
Amended Election Rules

NOTICE REGARDING
DISCRIMINATORY RESTRICTIONS
(California Government Code 12956.1)

In accordance with California Government Code 12956.1 the Association includes with this governing document the following information:

"If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

KENTFIELD COMMONS HOMEOWNERS ASSOCIATION

AMENDED ELECTION RULES

Adopted January 27th, 2021

These rules apply whenever the Members vote to elect or remove directors, to amend the governing documents, to grant exclusive use of common area property, or to impose a regular assessment that is more than twenty percent (20%) greater than the regular assessment for the Association's preceding fiscal year or impose special assessments which in the aggregate exceed five percent (5%) of the budgeted gross expenses of the Association for that fiscal year.

1. All Members shall be provided equal access to Association media, including but not limited to newsletters or internet website during a campaign for purposes that are reasonably related to that election. The Association shall not edit or redact from these communications, **but** may include a statement specifying that the Member, and not the Association, is responsible for that content.

2. The qualifications for candidacy to the Board are a recorded fee simple ownership interest in any Lot in the Association and being a Member of the Association. Candidates may be nominated by a nominating committee, by write-in on proxy or ballot, or by any member from the floor at the election.

3. The sole qualification for voting is a recorded fee simple ownership interest in any Lot in the Association. There shall be one (1) vote for each Lot. However, voting rights may be suspended for violation of the governing documents after notice and a hearing as provided by the Bylaws.

4. There shall be one (1) or three (3) inspectors of election. The inspectors shall be selected by the Board at least thirty (30) days prior to the election. Any Member may be an inspector, except for directors or candidates for the Board, or Members related to directors or candidates. The Association's manager or management company may be an inspector. The inspectors may appoint and oversee additional persons to verify signatures and tabulate votes provided that the persons are independent third parties. The decision of a majority of the inspectors shall be effective as the decision of all. The inspectors shall do all of the following:

- a) Determine the number of members entitled to vote and the voting power of each;
- b) Determine the authenticity, validity, and effect of proxies, if any;
- c) Receive ballots;
- d) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
- e) Count and tabulate all votes;

f) Determine when the polls shall close;

g) Determine the result of the election.

h) Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with all applicable rules of the Association regarding the conduct of the election.

5. The Board shall decide whether to use proxies or mail-in ballots or both to conduct an election. Proxies and ballots shall provide for write-in candidates.

6. All proxies must afford Members the opportunity to specify a choice between approval and disapproval of each matter to be acted upon, and to specify a choice between candidates for the Board who have been nominated prior to the mailing of the notice of meeting. Proxies may be sent and received by hand delivery, mail, email or facsimile transmission. Proxies may be given to the named proxyholder, or mailed to the inspectors at a location specified by the inspectors. All proxies shall be on two (2) pieces of paper. The first piece shall only name the Member and the proxyholder, and shall be turned in to the inspectors at the election in exchange for a ballot. The second piece shall contain the Member's choices and shall be retained by the proxyholder. Proxies may not be used to vote for or against any resolution that is not stated in the Notice of Meeting. Proxies may be revoked by the Member prior to the receipt of their ballot by the inspectors.

7. Ballots and instructions on how to return the ballots shall be mailed or delivered to every Member not less than thirty (30) days prior to the deadline for voting. The ballot shall be mailed or delivered with two envelopes. The executed ballot shall be sealed in an envelope labeled "SECRET BALLOT". The envelope labeled "SECRET BALLOT" shall be sealed in a second envelope identifying the Member in the upper left corner and addressed to the manager or to a location specified by the inspectors. The ballot may be returned by mail or hand delivery. Members may request a receipt for hand-delivered ballots. Sealed ballots shall be kept under the control of the inspectors at a location designated by the inspectors until after the vote. Each ballot received by the inspectors shall be treated as a Member present at a meeting for the purpose of establishing a quorum. Once a secret ballot is received by the inspectors, it shall be irrevocable.

8. All votes shall be cast by secret written ballot. Proxyholders shall vote the Member's proxy by secret written ballot. All ballots shall be counted by the inspectors at a properly noticed open meeting of the Board or the Members. Any Member, including candidates to the Board, may witness the counting. No person, including any Member or the manager, shall open or review any ballot prior to the time it is counted by the inspectors. However, the inspectors or their designees may verify the Member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.

9. The results of the election shall be reported to the Board and recorded in the minutes of the next Board meeting. The results of the election shall be mailed to the Members within fifteen (15) days of the election.

10. After tabulation, election ballots shall be stored by the Association in a secure place for no less than one year after the date of the election. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by Association members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote