

January 2020

(posted 01/27/2020 at the Wolf Creek Community Center at 31813 Murdock Lane, Temecula per Civil Code Section §4045)

Wolf Creek Maintenance Corporation

PLEASE TAKE NOTICE that the Wolf Creek Board of Directors is considering the following rule change; *Election Rules and Procedures*. The draft of the rule change is available for review at the Wolf Creek Community Center per Civil Code Section §4045 and the Association's website; www.mywolfcreek.com. Additions and deletions to the current rule are noted in **red**.

The purpose and effect of the proposed rule change is to re-draft the following rule; *Election Rules and Procedures* and to have the Association's rules align with Senate Bill 323.

The Board of Directors is scheduled to consider *Election Rules and Procedures* for approval at the March 16, 2020 Board of Directors Meeting being held at 6 PM at the Wolf Creek Community Center (31813 Murdock Lane, Temecula). You may send your comments to the Board, via e-mail to wolfcreek@avalonweb.com; or attend the Board meeting.

Thank you.

Avalon Management
As Agent for Board of Directors
Wolf Creek Maintenance Corporation

WOLF CREEK MAINTENANCE CORPORATION

ELECTION RULES AND PROCEDURES

1. All candidates or Members advocating a point of view shall have equal access to Association media, newsletters, and websites during a campaign for purposes reasonably related to that election. The Association will not edit or redact any content from these communications; however, the Association may include a statement specifying that the candidate or member, as applicable, and not the Association, is solely responsible for the content of the communication, and that the Association was required by law to publish the communication verbatim, regardless of content.
2. All candidates or Members advocating a point of view will have equal access, at no cost, to any common area meeting space during a campaign for purposes reasonably related to the election.
3. Pursuant to Section 2.2.1 of the Association's Bylaws, in order to be a candidate for election to the Association's Board of Directors, you must be the owner or agent of Owner of a residence in Wolf Creek who is not an officer or director of a Sub association or the Wolf Creek Maintenance Corp.
4. Owners who satisfy the eligibility requirements for election to the Board of Directors may become candidates by either (a) submitting a Candidate Form (available from the Management Company) at least forty-five (45) days prior to the date of the Annual Meeting, (b) being nominated from the floor at the Annual Meeting (self-nominations from the floor are permitted), or (c) be nominated by the Nominating Committee as per Section 2.4.1 of the Bylaws.
5. Record dates for determining Members entitled to receive notice of the meeting and for determining Members entitled to vote at the meeting shall be established in accordance with Section 2.4.3 of the Association's Bylaws.
6. Each member of record whose voting rights have not been suspended by the Board of Directors is entitled to vote. Each Membership is entitled to one (1) vote on each issue being voted on (except election of Directors, in which case each Membership is entitled to one (1) vote for each position on the Board to be filled at the election).
7. The Association will not distribute proxies for elections subject to Civil Code Section ~~5100(a)(1)+363.03(b)~~. For those elections in which proxies are used, in order to be counted the proxy must (a) identify a proxy holder (who must physically attend the meeting for which the proxy is being exercised), (b) contain voting instructions, and (c) be signed by the member giving the proxy. A proxy that does not satisfy these requirements will not be counted. Any instruction given in a proxy issued for an election 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 given to the proxy

holder to retain. The proxy holder must cast the member's vote by secret ballot.

8. The voting period for member meetings subject to Civil Code Section ~~5100(a)(1)~~~~1363.03(b)~~ shall commence when the first ballot is mailed or delivered to a member of the Association and shall end at such time as the inspector(s) of election determine the polls close, in accordance with Civil Code Section ~~1363.03(e)(3)(F)~~~~5100(c)(6)~~. The voting period for member meetings not subject to Civil Code Section ~~1363.03(b)~~~~5100(a)(1)~~ shall commence at the meeting at such time as the person presiding over the meeting declares the voting period commences and shall end at such time as the inspector(s) of election determine the polls close, in accordance with Civil Code Section ~~5100(c)(6)~~~~1363.03(e)(3)(F)~~. For those elections conducted by written ballot without a meeting in accordance with Corporations Code Section 7513, the voting period shall commence when the first ballot is mailed or delivered to a member of the Association and shall end at such time as is specified in the ballot.
9. At least sixty (60) days prior to any meeting of Members (or, in the instance of elections conducted without a meeting pursuant to Corporations Code Section 7513, at least sixty (60) days prior to the deadline by which ballots must be received in order to be counted), the Association's Board of Directors shall select either one (1) or three (3) independent third parties, in its discretion, to serve as inspector(s) of election. An "independent third party" who serves as inspector of election 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 be a member, but may not be a director or a candidate for director or be related to a director or to a candidate for director. 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 an inspector of elections may include, but is not limited to, (a) a volunteer poll worker with the county registrar of voters, (b) a licensee of the California Board of Accountancy, (c) a notary public, (d) a member of the Association who is neither a director, a candidate for election as director, nor related to a director or candidate for election as director, (e) a person who is currently employed by or under contract to the Association for compensable services, including but not limited to the Association's management agent, accountant, or counsel.
10. The inspector(s) of election shall perform the following duties:
 - a. Determine the number of Memberships 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 consistent with the governing documents;
- g. Determine the result of the election; and
- h. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with Civil Code Section ~~4363.03~~5110, the Corporations Code, and all applicable Association rules regarding the conduct of the election that ~~are~~ not in conflict with Civil Code Section ~~5110~~4363.03.

An inspector of election shall perform his or her duties impartially, in good faith, to the best of his or her ability, and in a manner that protects the interest of all members of the association~~and as expeditiously as is practical~~. If there are three (3) inspectors of election, then the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report made by the inspector(s) of election is prima facie evidence of the facts stated in the report.

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- 11. Elections subject to Civil Code Section ~~5100(a)(1)~~4363.03(b) shall be conducted in accordance with the following procedures:
 - a. Ballots and two pre-addressed envelopes with instructions on how to return ballots substantially in the form of Exhibit "A" attached hereto and incorporated herein by this reference shall be delivered or mailed by first-class mail to every member not less than thirty (30) days prior to the deadline for voting (a member may not be identified by name, address, lot, parcel, or unit number on the ballot);
 - b. Ballots are *not* to be signed by the voter;
 - c. Completed ballots must be placed into an inner envelope that has no identifying information (*e.g.*, no member name, no property address, no signature, etc.) on it, and the inner envelope is then sealed by the member;
 - d. The inner envelope is then inserted into the outer envelope that is pre-addressed to the inspector(s) of election in care of the management company and then sealed by the member;
 - e. In the upper left-hand corner of the outer envelope, the member *must* print his name and the address of the property in the community that entitles the member to vote in the Association's election, and then the member *must* sign his or her name in the upper left-hand corner of the outer envelope. RETURN ADDRESS LABELS MAY NOT BE USED. Ballots received in improperly completed envelopes (*e.g.*, not completed by hand, not signed) will *not* be counted;

- f. The envelope may be mailed or delivered by hand to the inspector(s) of election, and the member may request a receipt for delivery;
- g. All properly returned votes shall be counted and tabulated by the inspector(s) of election in public at a properly noticed open meeting of the Association's Board of Directors or Members;
- h. Any candidate or other Association member may witness the counting and tabulation of the votes;
- i. No person, including any Association member or management company employee, may open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated;
- j. The inspector(s) of election shall promptly report the election results to the Association's Board of Directors, and such results shall be (i) recorded in the minutes of the next meeting of the Board of Directors, (ii) available for review by the Association's Members, and (iii) publicized within fifteen (15) days of the election in a communication directed to all Members;
- k. The sealed ballots, signed voter envelopes, voter list, proxies, and candidate registration list shall at all times be in the custody of the inspector(s) of election or at a location designated by the inspector(s) of election until after tabulation of the vote, and until the time allowed by Section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association;
- l. If there is a recount or other challenge to the election process, the inspector or inspectors of elections shall, upon written request, make the ballots available for inspection and review by an association member or the member's authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote. After tabulation, the Association shall store ballots in a secure place for no less than one (1) year after the date of the election;
- ~~m. 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 Members or their authorized representatives.~~

12. Association funds may not be used for campaign purposes in connection with any Association election except to the extent necessary to comply with duties of the Association imposed by law. As used in this paragraph, "campaign purposes" includes, but is not limited to, (a) expressly advocating the election or defeat of any candidate on an Association ballot, and (b) including the photograph or prominently featuring the name of any candidate on a communication from the Association or its Board of Directors (other than the ballot and ballot materials) within thirty (30) days of an

election. "Campaign purposes" does not include communication for which equal access is required to be provided pursuant to Paragraphs 1 and 2 above.

EXHIBIT A
INSTRUCTIONS

HOW TO RETURN	YOUR BALLOT
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1. Place your voted ballot in the plain envelope and seal the envelope. Place the sealed plain envelope in the pre-addressed envelope (colored envelope). Do not write your name or any other identifying information on the ballot or the official ballot envelope.
2. COMPLETE the upper left-hand corner on the pre-addressed envelope by PRINTING your name and the address of the property in Wolf Creek Maintenance Corporation that entitles you to vote in Association elections, and then sign the pre-addressed envelope. IF YOU FAIL TO PRINT YOUR NAME AND PROPERTY ADDRESS AND SIGN THE PRE-ADDRESSED ENVELOPE YOUR BALLOT WILL NOT BE COUNTED. Be sure to supply ALL of the information on the pre-addressed envelope, INCLUDING THE ADDRESS OF THE PROPERTY THAT ENTITLES YOU TO VOTE IN ASSOCIATION ELECTIONS.
3. **YOUR BALLOT WILL REMAIN SECRET.** Therefore, *it is important not to sign or initial the ballot.* If you lose the pre-addressed return envelope that was sent to you or need specific information on how to obtain a second ballot because the original ballot is spoiled, damaged or marked erroneously, please call the Management Company at (951) 699-2918. **We will provide instructions on how to write a request for a second ballot.**
4. To return your ballot by mail, it must be mailed or delivered by you in sufficient time to reach the Inspector(s) of Election office **on the day before the Election. Postmarks do not count.** Ballots may not be returned via facsimile.
5. If you prefer, you may return your ballot in person to the Inspector(s) of Election at the meeting prior to the time the Inspector(s) of Election announce the polls to be closed.

Wolf Creek Maintenance Corporation c/o Avalon Management Group
43529 Ridge Park Drive Temecula, CA 92590

Telephone: (951) 699-2918
Email: WolfCreek@AvalonWeb.com

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Adopted by the Board of Directors
On June 28, 2006