

**PGA WEST FAIRWAYS ASSOCIATION
ELECTION RULES**

Adopted January 25, 2018

1. To the extent that any board member candidates are provided with access to Association newsletters, websites or mailers for purposes that are reasonably related to the election, all candidates shall be provided with equal access.
2. To the extent any members are provided with access to association newsletters, websites or mailers for the purpose of advocating a point of view which is reasonably related to the election, all members shall be provided with equal access.
3. If access is provided to candidates or members, the Association shall not edit or redact the content, but may include a disclaimer that the Association is not responsible for the content. If the Association publishes board member candidates' statements, the Association may establish a deadline, format or form, and maximum word count for the statement.
4. Candidates and members advocating a point of view reasonably related to the election shall have equal access to any common area meeting space which exists. This access shall be provided at no charge, save for any deposits or other procedures required to reserve common area meeting spaces.
5. Qualifications for candidates to the Board of Directors, other than Directors appointed by the Class C Member, shall include:
 - a. Candidates must be Members of the Association and no more than one owner of any Lot or Unit may serve on the Board at the same time.
 - b. Candidates must not be more than thirty days delinquent in the payment of any Association assessments, fees, charges or monetary penalties.
 - c. Candidates membership rights must not be suspended for any violations of the Association's Governing Documents.
 - d. Candidates must not be a plaintiff in any litigation filed against the Association or any Director or a defendant in any litigation filed by the Association.
6. Procedures for nomination of candidates to the Board of Directors shall allow for a member to nominate himself or herself and shall be consistent with the Governing Documents. The Board shall set a deadline for receipt of nominations and anyone not submitting his or her name prior to the

deadline may not be a candidate for the Board. Nominations shall not be accepted from the floor at the election meeting and write-in votes shall not be allowed.

7. Qualifications for voting shall include, but not be limited to the following (as further described in the Association's Governing Documents):
 - a. Member's name must appear on the official records of the Association as of the record cut-off date set by the Inspector of Election and/or the Board of Directors.
 - b. Member may not be the subject of violation proceedings which have resulted in the suspension of such Member's rights to vote.
8. The voting power of each membership shall be as described in the Association's Bylaws and/or Declaration;
9. Proxies may not be used.
10. Ballots and envelopes shall comply with Civil Code section 5115. However, the lack of a signature on the second envelope will not invalidate that ballot if the Inspector(s) of Election is able to determine the Member who submitted the ballot. Once a ballot has been received by the Inspectors of Election, it shall be irrevocable. Only the official ballots distributed by the Association will be counted. Unofficial ballots will not be counted. If a candidate whose name is on the ballot withdraws before the ballots are counted, the election will continue to go forward. However, the votes cast for a withdrawn candidate will not be counted.
11. The voting period for elections shall commence when the notice of the meeting and/or ballots have been mailed to all members and shall terminate as stated in the notice and/or ballot or as determined by the Inspector(s) of Election consistent with the Governing Documents.
12. Either one or three Inspectors of Election (i.e., independent third parties) shall be appointed by the Board of Directors. The following persons may not serve as Inspectors of Election: board members, candidates, persons who are related to or who reside with board members or persons who are related to or who reside with candidates. The Association's CPA, Property Manager, Attorney or other professional hired by the Association may serve as Inspectors of Election, or the Association may appoint another independent party. If an independent party serves as Inspector of Election (i.e., not an Association Member), that party may be compensated for the services performed. Members of the Community shall not be entitled to compensation.
13. Inspectors may appoint and oversee additional independent third parties to verify signatures and to count and tabulate votes. Votes shall be counted and tabulated by the Inspectors of Election or their designee(s) in public at

a properly noticed open meeting of the Board of Directors or members. Any candidate or other member may witness the counting and tabulation of the votes. To ensure anonymity of the voting, members must stand at least five feet away from the Inspectors of Election or their designee(s) during the tabulation process. Members are prohibited from speaking to the Inspectors or their designee(s) during the tabulation process or interrupting the tabulation process in any way.

14. The Board of Directors shall have the authority to remove and/or replace an Inspector of Election at any time if an Inspector resigns or whenever the Board determines that an Inspector will not be able to perform his or her duties impartially and in good faith or if the Inspector ceases to meet the qualifications to serve as described above.
15. Inspector(s) of Election shall have the authority to consult with the Association's legal counsel in the event of uncertainties in the interpretation or application of Civil Code section 5100, *et seq.*, these Rules and Procedures, the Association's Governing Documents or as might otherwise be necessary to ensure a fair election that complies with the law and the governing documents. All such consultations shall be protected by the Association's attorney-client privilege and shall be kept confidential from all persons other than the Board of Directors. Note, however, that neither the Inspector(s) of Election nor the attorney shall disclose to others, including the Board, how a particular ballot is to be voted.
16. Inspectors shall retain the ballots at a location they designate for one year following the vote count. After the one year period has expired, the Inspectors of Election shall transfer the ballots to the Association. At the conclusion of the one (1) year period following the vote count, the ballots may be destroyed.