

## **Riviera West Country Club Election Rules**

As a Common Interest Development [CID] we are governed by the Davis-Stirling Act. According to that Act, all associations are required to adopt election rules that comply with Civil Code 1363.03 to include the following:

- Nomination procedures,
- Candidate qualifications,
- A method of selecting independent third parties as inspectors of election,
- Rules regarding access to association media during campaigns,
- Rules regarding access to common area meeting space during campaigns,
- Secret balloting procedures, and
- A ballot form.

### **Nomination Procedures**

60 days prior to the deadline to submit – April 30 of the election year, a call for candidates, a notice of the election procedure and the deadline for submission shall be delivered to all property owners via regular or electronic mail.

### **Candidate Qualifications**

Qualifications for candidates are also the Qualifications for the position that will be filled – that of Director on the Board of Directors, as follow:

- Membership in the Country Club;
- Good standing (current in the payment of all Assessments [both regular and special], not having any outstanding unpaid fines, and no unresolved violations of governing documents);
- Not in litigation with the Country Club;
- Not a co-owner with another Director;
- Attend a minimum of four meetings per year as a Director. By failing to attend meetings, a Director is in breach of his or her fiduciary duties. Failure to attend meetings means the Treasurer's Report is missed, financial records are not reviewed, and there are no questions about finances – a further breach of fiduciary duties; and
- Not a convicted felon.

A Candidate's biography must accompany the application for candidacy in order to be considered a valid application and be entered onto the ballot.

### **Inspectors of Election**

The Board of Directors will appoint volunteers to fill the Election Committee. Those volunteers will serve as Inspectors of the Election. Ninety days prior to the annual meeting, two to three inspectors will be appointed who will receive and count the ballots. Thirty days before ballots are distributed, a candidate registration list and a voter list shall be prepared.

### **Election by Acclamation**

"Notwithstanding...any contrary provision in the governing documents..." uncontested elections, i.e., there are no more nominated candidates than there are current vacancies on the Board, will be held by acclamation.

(Civ. Code § 5103, effective January 1, 2022)

### **Ballots**

In the case of contested elections, i.e., more candidates have been nominated than the number of vacancies on the Board, ballots containing the names of validated nominees, along with each candidate's biography will be made available to all property owners no less than 30 days prior to the voting deadline of June 30 of the election year. Members may verify the accuracy of their individual information on the candidate registration list and voter list.

Revised 11/18/2019 as required by Senate Bill 323, effective January 1, 2020