

PGA WEST MASTER ASSOCIATION

ELECTION RULES Adopted January 8, 2015

Applicability of Election Rules

1. These Election Rules shall apply to elections required to be held by secret ballot pursuant to *Civil Code* Section 5100(a). The Board of Directors may, in its discretion, also determine to apply these Election Rules to govern an election on any topic that is not expressly required by statute to be conducted by secret ballot.

Access to Master Association Communications

2. The Master Association will not edit or redact (black out) any content from candidate or Member communications. The Master Association may include a statement that the candidate or Member, and not the Master Association, is solely responsible for the content of the communication. Notwithstanding the forgoing, the Master Association and/or Nominating Committee shall have the right to establish reasonable page limits as part of the Request to Serve form.
3. Candidates, including those who are not incumbents, and Members advocating a point of view reasonably related to the election shall have equal access to any Common Area meeting space, if any exists. This access shall be provided at no charge for purposes reasonably related to the election, except that the Master Association may require cleaning/security deposits or other procedures to reserve Common Area meeting spaces.
4. Candidates may submit the Request to Serve form electronically on the Master Association website. Questions and page limits will be exactly the same on both versions of the Request to Serve form.

Candidate Qualifications

5. Qualifications for candidates to the Board of Directors shall include:
 - a. Candidates must be Members of the Master Association. "Member" means and refers to every person or entity holding membership in the Master Association, including, but not limited to, corporate entities, trusts, partnerships, limited liability corporations, etc., that are owners of record of a Lot within the Master Association.
 - b. Only one Owner per Lot shall be eligible to serve on the Board at any time. "Owner" includes a representative of an entity holding membership in the Master Association as set forth in 5(a) above.
 - c. Candidates must not be delinquent in the payment of any Master Association assessments, late charges, collection costs, fees, or other financial obligations imposed by the Master Association.
 - d. Candidates must not be in violation of the Master Association's Governing Documents.
 - e. Candidates must not have any outstanding fines/penalties or suspension of membership privileges.
 - f. Candidates must be in Good Standing. For purposes of these Election Rules, "Good Standing" means that the candidate meets all the qualifications listed in this Section 5 and the Master Association's Governing Documents.

Nominations

6. Bylaws, Article IV, Section 3(a) requires the appointment of a Nominating Committee consisting of a chairperson, who shall be a member of the Master Association Board of Directors who is not running for a seat on the Board and two (2) or more Members of the Master Association that are not candidates in the election. The Nominating Committee shall have the discretion, but not the obligation, to solicit, interview, meet with and investigate potential candidates, and make candidate recommendations.
7. The Nominating Committee shall nominate at least as many candidates as there are vacancies. The Nominating Committee may include individuals who have been self-nominated for the purpose of this Section. Factors that the Nominating Committee may consider include, but are not limited to, whether the potential candidate has prior experience serving on boards of directors or committees, public service, professional experience, etc. The Nominating Committee will report their recommendations to the Board of Directors. Candidates recommended by the Nominating Committee shall be identified to the membership in the election materials. The ballot may indicate the names of all candidates recommended by the Nominating Committee.
8. Any Member in Good Standing and otherwise qualified may nominate themselves. Assuming said Member is qualified and in Good Standing, a Member may have his or her name placed on the ballot and Exhibit "A" as would any candidate, including candidates nominated by the Nominating Committee.
9. The Nominating Committee and/or Management shall establish a date by which Members wishing to nominate themselves must complete the Request to Serve form. Failure to **timely** complete the Request to Serve form will result in that Member's name not being placed on the ballot. Attached as Exhibit "A" to these Election Rules is the Request to Serve form to be submitted by candidates prior to the deadline.
10. Non-conforming Request to Serve forms may not be included with the election materials. Members who submit Request to Serve forms after the established deadline in Section 9 above will not have their names appear on the ballot. Non-conforming Requests to Serve forms may also result in the information contained therein not being included with the election materials. In the event a candidate exceeds the number of pages allotted in Exhibit "A" attached hereto, management may cut-off the communication once the allocated number of pages are reached. Example- if the form provides for two pages and a candidate provides three pages, only the first two pages will be included.

Voting Qualifications

11. Qualifications for voting shall include, but not be limited to, the following (as further described in the Master Association's Governing Documents):
 - a. Member must be an owner of record of a Lot as of the record cut-off date set by the Inspector(s) of Elections and/or Board of Directors. "Owner" includes a representative of an entity holding membership in the Master Association as set forth in 5(a) above.
 - b. Member must be in Good Standing, as set forth in Section 5.
 - c. Member's voting privileges have not been suspended.
12. The voting power of each Member shall be as described in the Master Association's Bylaws and/or Declaration.

13. If the Governing Documents allow the voting power of the Master Association to be reduced due to suspension of voting privileges, the Inspector of Elections shall have the authority to use any reduced voting power for purposes of establishing the quorum requirement.
14. The Inspector(s) of Elections has the discretion to count ballots submitted by Members not in Good Standing only for the purpose of establishing the required quorum.

Inspector(s) of Elections

15. Inspector(s) of Elections (i.e., independent third parties) shall be appointed by the Board. The number of Inspector(s) of Elections shall be one or three. If there are three Inspectors of Elections, the decision or act of a majority shall be the decision or act of all.
16. The following persons may not serve as Inspector(s) of Elections: Board members, candidates, persons who are related to Board members or persons who are related to candidates.
17. The following persons are independent third parties and may serve as Inspector(s) of Elections: The Master Association's CPA, Property Manager, Attorney, or other professional hired by the Master Association. Master Association Members who are not a Board member or a candidate or a person related to a Board member or a candidate may serve as Inspector(s) of Elections.
18. Independent third parties may be compensated for performing Inspector(s) of Elections services. Master Association Members, however, are not entitled to compensation for serving as Inspector(s) of Elections.
19. Inspector(s) of Elections may appoint and oversee additional independent third parties to verify signatures and to count and tabulate votes.
20. The Inspector(s) of Elections are charged with performing 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. Verify the Member's information and signature on the outer envelope. For mailed ballots, the Inspector(s) may verify the Member's information and signature on the outer envelope prior to the election;
 - e. Hear and determine challenges and questions in any way arising out of balloting or the election.
 - f. Count and tabulate all votes.
 - g. Determine when the polls shall close, consistent with the Master Association's Governing Documents.
 - h. Determine the tabulated results of the election.
 - i. Report the tabulated results of the election or balloting promptly to the Board of Directors to ensure that the Board can publicize the results to the homeowners within 15 days of the election.
 - j. Retain the ballots at a location designated by the Inspector(s) of Elections pursuant to *Civil Code* Section 5125.
 - k. Perform any acts as may be proper to conduct the election with fairness to all members in accordance with *Civil Code* Sections 5100 - 5145, the Corporations Code, and these Election Rules to the extent not in conflict with *Civil Code* Sections 5100-5145.

Election Procedures

21. 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.
22. The authenticity, validity and effect of proxies submitted by Members shall be determined by the Inspector(s) of Elections, consistent with the Master Association's Governing Documents and California law. A mailed ballot from a Member is irrevocable regardless of when it is received and shall always take precedence over a proxy. See, *Corporations Code* Section 7513(d).
23. Votes shall be counted and tabulated by the Inspector(s) of Elections or their designee(s) in public at a properly noticed open meeting of the Board 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 (5) feet away from the Inspector(s) of Elections or their designee(s) during the tabulation process. Members are prohibited from speaking to the Inspector(s) of Elections or their designee(s) during the tabulation process or interrupting the tabulation process in any way.
24. Notice of the tabulated results of the election shall be provided to the Members within 15 days of the election.
25. Ballots shall be retained in the custody of the Inspector(s) of Elections or at a location designated by the Inspector(s) of Elections as set forth in *Civil Code* Section 5125, at which time the ballots shall be transferred to the Master Association.
26. If there is a recount or other challenge to the election process, the Inspector(s) of Elections shall, upon written request, make the ballots available for inspection and review by a Master Association Member or his or her authorized representative, at a location and time as determined by the Inspector(s) of Elections. The recount shall be conducted in a manner that preserves the confidentiality of the vote. The candidate or Member requesting the recount shall be responsible for any and all costs related to the recount, including compensation to the Inspector(s) of Elections, if applicable.

EXHIBIT "A"

PGA WEST MASTER ASSOCIATION

REQUEST TO SERVE ON THE BOARD OF DIRECTORS

This form is limited to two pages. Any statements written on the back or attached to this document will not be included in the election materials.

NAME: _____ (attach recent photo)

PHONE NUMBER: _____

PGA WEST ADDRESS: _____

The PGA WEST Master Association Board of Directors (the "Master Board") is responsible for Community Services (Gate Officers, Patrol and enforcement); hardscaping, landscaping and infrastructure of PGA Blvd, its gates and other common areas; administration of the PGA WEST Master Association (the "Master Association"); and, interaction with Developers and the Club.

The purpose of this form is to provide PGA WEST homeowners with information to evaluate your background, qualifications and vision for the Master Association. In order to maintain an equal balance for all candidates, if you exceed the stated page limit, only that permitted will be printed in election materials. It is important to remember that the Master Board members represent the interests of ALL PGA WEST homeowners, not specific factions or Residential Associations.

In order to be considered, please answer the following questions and return this form to the PGA WEST Master Association, c/o Cassie Gertz, by mail: P.O. Box 1516, La Quinta, CA 92247; hand delivery: Weiskopf Gatehouse, 56144 PGA Blvd., La Quinta, CA 92253; fax: (760) 564-2329; or by email: Cassie.Gertz@managementtrust.com. You may also submit this form electronically on the Master Association website: www.pgawest-ma.com.

Request to Serve forms must be received **no later than _____ p.m. on [day of week], [month/day], 2015.** The information provided herein will be printed as submitted by you (except for your phone number) for use on all election materials and resident mailings. Please print or type the information legibly. **This form will not be accepted if it has been altered in any way.**

1. What are your education background and business experience?
2. What is your Board of Director experience?
3. How have you served PGA WEST in the past?
4. What PGA WEST committees have you served on?
5. How could your experience benefit the Master Association?
6. What is your vision for the Master Association if elected? (describe your interests and intentions if elected to the Master Board and how it will benefit the community)

