

Cheyenne Owners Association Election Rules

These Election Rules apply to all Member votes undertaken by Cheyenne Owners Association ("Association"). These Election Rules shall be effective on the date of adoption, shall supersede any other rules of the Association affecting voting or elections, and shall remain in effect until modified by the Board of Directors (the "Board").

ARTICLE 1 MEMBER VOTING RIGHTS

1.1 Member Voting Rights. Notwithstanding anything to the contrary in the Association's governing documents, all Members of the Association shall be entitled to vote, and no Member shall be denied a ballot for any reason other than not being a Member at the time when ballots are distributed. "Member" means a person who holds legal title to the separate interest (i.e., is named in the recorded deed for the separate interest property). The "separate interest" property means the lot owned by a Member.

1.1.1 Entity Owners. In the case of a Member that is not a natural person (such as a trust, corporation or other entity), the vote of such Member may be cast by any authorized representative of the Member designated by written notice to the Association.

1.1.2 General Power of Attorney. A person with general power of attorney for a Member, who has provided satisfactory evidence thereof, shall not be denied a ballot and said ballot shall be counted if returned by the deadline for voting.

1.2 Voter List. The Association shall maintain a "Voter List" which shall include the following information for each separate interest: (a) the names of the member(s); (b) voting power; (c) (unless the Member has "opted out" of the public distribution of their address), the physical address of the Member's separate interest, or the parcel number, or both, and the mailing address of the Member if it is different than the physical address of the separate interest (or if the parcel number is used).

Upon request, the Association shall permit Members to verify the accuracy of their individual information on the Voter List at least 30 days before the ballots are mailed. The Member shall report any errors to the Inspector of Elections who shall make the correction within two business days. The Association may, at its discretion, report any known errors to the Inspector of Elections. The Voter List shall be retained as "association election materials" as required by law. (*Civil Code* section 5105(a)(7)).

1.3 Voting Power of Each Membership. On each matter before the Members, only one (1) vote shall be cast for each separate interest. Once a ballot is received by the Inspector of Elections, it may not be rescinded. Votes on behalf of a separate interest owned by more than one person or entity shall be treated as a single member for voting purposes. The vote for such separate interest shall be exercised as the owners among themselves shall determine, but in no event shall more than one (1) vote be cast with respect to any separate interest. If the joint owners of a separate interest are unable to agree among themselves as to how their vote is to be cast, they shall lose their right to vote on the matter in question. If any joint owner of a separate interest casts a vote representing the separate interest, it will thereafter be conclusively presumed for all purposes that such owner was acting with the authority and consent of the other owners of that separate interest.

1.4 Cumulative Voting. Cumulative voting is not permitted in the election of directors.

1.5 Proxies. Proxies may be used by the Members at a membership meeting only as authorized in the Bylaws. In any election or vote of the Members conducted by the Association, only official ballots issued by the Association shall be counted as votes. Proxies are not ballots and are not valid as votes in any election or vote conducted by the Association.

1.6 General Power of Attorney. A Member may delegate their voting rights to a third party by use of a general power of attorney that conforms to the laws of the state in which the power is conveyed. The power of attorney must be returned to the Association at or before the casting of the ballot for which voting rights have been delegated.

ARTICLE 2 VOTING PROCEDURE

2.1 30-Day Pre-Notice of Director or Recall Election Information. At least thirty (30) days before the ballots are distributed for elections of directors or to recall directors (but not required for membership votes on other matters), the Association shall provide general notice per *Civil Code* section 4045 (and individual notice per *Civil Code* section 4040 to those requesting members) of all of the following: (i) the date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector of Elections; (ii) if the Association allows voting by electronic secret ballot, the date and time by which electronic secret ballots are to be transmitted to the internet-based voting system and preliminary instructions on how to vote by electronic secret ballot upon commencement of the voting period; (iii) the date, time, and location of the meeting at which quorum will be determined, and at which ballots will be counted; and (iv) the "Candidate Registration List," as defined in Section 3.3 below; and (v) if the Association's governing documents require a quorum of over twenty percent (20%) for the election of directors, a statement that the Association may call a reconvened meeting to be held at least twenty (20) days after a scheduled election if the required quorum is not reached, at which time the quorum of the membership to elect directors will be twenty percent (20%) of the Association's members voting in person, by proxy, or by secret ballot.

2.2 Ballot Methods for Specific Types of Member Votes. Notwithstanding anything to the contrary in the Association's governing documents, the following provisions shall apply to all membership votes:

2.2.1 Votes Regarding Assessments Legally Requiring A Vote. Only to the extent required by *Civil Code* section 5105(i) or subsequent statute, voting by Members will be conducted only by written secret ballot (as described in Section 2.3, below) for a vote to increase the Association's annual/regular assessment over twenty percent (20%) from the prior fiscal year, or a vote to impose a special assessment over five percent (5%) of the gross budgeted expenses for that fiscal year.

2.2.2 Votes Regarding Directors, Governing Document Amendments, and Grants of Exclusive Use Common Area. Member votes shall be conducted by either written secret ballot (as described in Section 2.3, below) or electronic secret ballot (as described in Section 2.4, below) when the vote is on any of the following matters: (i) election and removal of directors, (ii) amendments to the governing documents, and (iii) grants of exclusive use of common area property pursuant to *Civil Code* section 4600.

2.2.3 All Other Votes. Except as provided in Section 2.2.1 and 2.2.2, above, votes may be by written secret ballot (as described in Section 2.3, below), electronic secret ballot (as described in Section 2.4, below), or any other manner not prohibited by law. The polling period for such voting may be a reasonable time as determined by the Board unless otherwise prescribed by law.

2.3 Written Secret Ballot Procedures. When a vote of the Members is conducted using written secret ballot, or for electronic secret ballot votes in which the Members “opt out” of electronic secret ballot voting or otherwise vote by written secret ballot, the Association shall mail or deliver the ballots and “double envelope system” as described in *Civil Code* section 5115(c). Ballots and two envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered to all Members in such vote or election. Only Members who will vote by written secret ballot pursuant to this Section shall be mailed or delivered the ballots and envelopes. Ballots shall be distributed a minimum of thirty (30) days prior to the deadline for voting. In an election to approve an amendment of governing documents, the text of the proposed amendment shall be delivered to the Members with the ballot.

2.4 Electronic Secret Ballot Procedures. When a vote of the Members is conducted using electronic secret ballots, the ballots shall be distributed a minimum of thirty (30) days prior to the deadline for voting, and the following shall apply:

2.4.1 General Requirements.

- (a) Definition of Electronic Secret Ballot. “Electronic secret ballot,” as used in these Election Rules, means a ballot conducted by an electronic voting system that ensures the secrecy and integrity of a ballot pursuant to the requirements of *Civil Code* sections 5100 through 5145, inclusive.
- (b) Voting List. The Association shall maintain a separate voting list identifying which Members will vote by electronic secret ballot and which Members will vote by written secret ballot.
- (c) Valid Email Address Required; Otherwise, Vote by Written Secret Ballot. Members who vote by electronic secret ballot shall be required to provide a valid email address to the Association. If the Association does not have a Member’s email address required to vote by electronic secret ballot by the time at which ballots are distributed, the Association shall send the Member a written secret ballot.
- (d) Inspector of Election. The Association must utilize an inspector of election or inspectors of election that is capable of fulfilling the electronic secret ballot vote requirements as set forth in Section 2.4.
- (e) Cannot Be Used for Assessment Votes. Electronic secret ballots cannot be used for a membership vote to approve an increase in the regular/annual assessment or a special assessment as described in Section 2.2.1. Such votes must be conducted by written secret ballot as set forth in Sections 2.2.1 and 2.3.

2.4.2 Inspector of Election Requirements. When conducting an election by electronic secret ballot, the Association must select Inspectors of Elections (see also Article 6 hereof) which shall ensure compliance with all of the following:

- (a) Each Member voting by electronic secret ballot shall be provided with all of the following:
 - (1) A method to authenticate the Member’s identity to the internet-based voting system.

- (2) A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.
 - (3) A method to confirm, at least 30 days before the voting deadline, that the member's electronic device can successfully communicate with the internet-based voting system.
- (b) Any internet-based voting system that is utilized shall have the ability to accomplish all of the following:
- (1) Authenticate the member's identity.
 - (2) Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.
 - (3) Transmit a receipt from the internet-based voting system to each Member who casts an electronic secret ballot.
 - (4) Permanently separate any authenticating or identifying information from the electronic secret ballot, rendering it impossible to connect an election ballot to a specific member.
 - (5) Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

2.4.3 Electronic Secret Ballot Requirements.

- (a) Delivery of Electronic Secret Ballot. The Association shall deliver individual notice (per *Civil Code* section 4040) of the electronic secret ballot to each Member 30 days before the election. The individual notice shall contain instructions on both of the following:
- (1) How to obtain access to that internet-based voting system; and
 - (2) How to vote by electronic secret ballot.
- Delivery of this individual notice may be accomplished by electronic submission to an address, location, or system designated by the Member.
- (b) Other Electronic Notice. The electronic secret ballot may be accompanied by or contained in an electronic individual notice in accordance with *Civil Code* section 4040(a), paragraph (2).
- (c) Ballot List. The electronic secret ballot must contain the same list of items being voted on as the written secret ballot, and vice versa.
- (d) Amendment of Governing Documents. The text of a proposed governing document amendment may be delivered, by electronic means, to those Members who vote by electronic secret ballot. The Association shall also deliver a written copy of the text of the proposed amendment to those members upon request and without charge. If voting by written secret ballot, the Association shall deliver a written copy of the text of the

proposed amendment to the Member with the ballot as set forth in Section 2.3, above.

2.4.4 Voting by Electronic Secret Ballot.

- (a) When Electronic Vote is Effective. A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by an Inspector or Inspectors of Elections.
- (b) Electronic Vote May Not be Revoked. A vote made by electronic secret ballot (or by written secret ballot) shall not be revoked.
- (c) Electronic Secret Ballots and Quorum. For purposes of determining a quorum, a Member voting electronically pursuant to this Section 2.4 shall be counted as a Member in attendance at the meeting. Once the quorum is established, a substantive vote of the Members shall not be taken on any issue other than those specifically identified in the electronic vote.

2.4.5 Electronic Voting – Members Permitted to Opt-Out.

- (a) Per *Civil Code* section 5105(i)(1)(C)(i), the default voting method for the Association's votes (except as set forth in Section 2.2.1, above) shall be electronic secret ballot voting. Members shall be permitted to "Opt Out" of voting by electronic secret ballot to vote by written secret ballot, requiring the Association to mail a written secret ballot only to a Member who has opted out of voting by electronic secret ballot or for whom the Association does not have a valid email address required to vote by electronic secret ballot.
- (b) The Association's annual policy statement (per *Civil Code* section 5310) must include information on the procedures to opt out of voting by electronic secret ballot.
- (c) At least 30 days prior to the deadline to change the preferred method of voting (see Section 2.4.6 ("Changes in Preferred Method of Voting")), the Association shall provide the Members individual notice (per *Civil Code* section 4040) of all of the following:
 - (1) The Member's current voting method;
 - (2) If the Member's voting method is by electronic secret ballot and the Association has an email address for the Member, the email address of the Member that will be used for voting by electronic secret ballot.
 - (3) An explanation that the Member is required to opt out of voting by electronic secret ballot if the Member elects to vote by written secret ballot.
 - (4) An explanation of how a Member may opt out of voting by electronic secret ballot, and
 - (5) The deadline by which the Member is required to opt out of voting by electronic secret ballot if the Member elects to exercise that right.

2.4.6 Changes in Preferred Method of Voting. Each Member shall be permitted to change their preferred method of voting from electronic secret ballot to written secret ballot, or written secret ballot to electronic secret ballot, up to 90 days before an election. A request to opt out of electronically voting by electronic secret ballot shall be delivered in writing to the Association, either to the person designated in the Association's annual policy statement, or if no person so designated, to the Board President or Secretary. This written delivery may be by email, facsimile, or other electronic means provided by the Association; by personal delivery if assented to by the Association (with written receipt); or by first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier.

2.5 Election by Acclamation. Notwithstanding the secret balloting requirements in these Election Rules at Section 2.2, Section 2.3, and Section 2.4 or anything to the contrary in the Association's governing documents, if, as of the published deadline for receiving nominations, the number of qualified candidates for election to the Board is not more than the number of directors to be elected, as determined by the Inspector of Elections, then the qualified candidates may be declared elected by acclamation if all of the following conditions have been met:

2.5.1 The Association has held a regular election for directors in the last three years. The three-year time period shall be calculated from the date ballots were due in the last full election to the start of voting for the proposed election.

2.5.2 The Association provided individual notice (per *Civil Code* section 4040) of the election and the procedure for nominating candidates at least 90 days before the deadline for submitting nominations that includes all of the following:

- (a) The number of Board positions to be filled at the election.
- (b) The deadline for submitting nominations.
- (c) The manner in which nominations can be submitted.
- (d) A statement informing Members that if, at the close of the time period for nominations, there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board may, after voting to do so, seat the qualified candidates by acclamation without balloting.

2.5.3 The Association provided a reminder notice between 7 and 30 days before the deadline for submitting nominations that includes all of the following:

- (a) The number of Board positions to be filled at the election.
- (b) The deadline for submitting nominations.
- (c) The manner in which nominations can be submitted.
- (d) A list of the names of all of the qualified candidates to fill the Board positions as of the date of the reminder notice.
- (e) A statement reminding members that if, as of the deadline for nominations, there are the same number or fewer qualified candidates as

there are Board positions to be filled, then the Board may, after voting to do so, seat the qualified candidates by acclamation without balloting. This statement is not required if, at the time the reminder notice will be delivered, the number of qualified candidates already exceeds the number of Board positions to be filled.

2.5.4 The Association provides, within 7 business days of receiving a nomination, a written or electronic communication acknowledging receipt of the nomination to the Member who submitted the nomination, and if the nominee and the Member who submitted the nomination are not the same person, then a written or electronic communication to the nominee within the same time period indicating the following:

- (a) The nominee is a qualified candidate for the Board; or
- (b) The nominee is not a qualified candidate for the Board, the basis for the disqualification, and the Association's internal dispute resolution procedure, which shall comply with *Civil Code* section 5900 et al., by which the nominee may appeal the disqualification.

2.5.5 The Association permits all candidates to run for election, except for any nominees disqualified from running as allowed or required pursuant to Section 3.1.

2.5.6 The Board votes to consider the qualified candidates elected by acclamation at an open meeting for which the agenda item reflects the name of each qualified candidate that will be seated by acclamation if the item is approved.

2.6 Frequency of Director Elections. The Association shall hold an election for a seat on the Board at the expiration of the corresponding director's term or sooner if required by the Bylaws but at least once every four years.

2.7 Extension of Voting. The Board shall be entitled to extend the deadline for the return of ballots one or more times due to the lack of a quorum or for such other reason(s) as the Board deems reasonable and prudent.

2.8 Absence of Quorum in the Election of Directors. For the election of directors, and in the absence of achieving quorum as required by the Association's Governing Documents, unless a lower quorum for a reconvened meeting is authorized by the Association's Governing Documents, the Association may adjourn the meeting to a date at least twenty (20) days after the adjourned meeting, at which time the quorum required for purposes of the reconvened meeting to elect directors shall be twenty percent (20%) percent of the association's members voting in person, by proxy, or by secret ballot. No less than fifteen (15) days prior to the date of the reconvened meeting described in this Section 2.8, the Association shall provide general notice (per *Civil Code* section 4045) of the reconvened meeting, which shall include (a) the date, time and location of the meeting; (b) the list of all candidates; and (c) unless the Association's governing documents provide for a lower quorum, a statement that 20% of the Association Member, voting in person, by proxy, or by secret ballot will satisfy the quorum requirements for the election of directors and that the ballots will be counted if a quorum is reached, if the Association's governing documents require a quorum.

2.9 Tabulation and Observation. The Inspector of Elections shall count and tabulate the votes at a properly noticed open meeting of the Board or Members in a manner that allows the Members to view the opening and tabulation. The Inspector of Elections may appoint additional persons to assist in the opening of ballots and tabulation of votes who meet the same

qualifications as the Inspector of Elections. A person, including a Member of the Association or an employee of the management company, shall not open or otherwise review any ballot or any tally sheet of votes cast by electronic secret ballot before the time and place at which the ballots are counted and tabulated.

Observers must remain at least five (5) feet from the area of opening and tabulation and not communicate, harass, or otherwise interfere with the Inspector of Elections and/or those assisting the Inspector of Elections in any manner whatsoever. The Inspector of Elections or the Board shall have the power and authority to cause the removal of any person who interferes with or disrupts the voting, counting or tabulating process. The Inspector of Elections may suspend the counting and tabulation process if anyone causes interference with or disrupts the process.

2.10 Reporting Election Results. The tabulated results of the election shall be promptly reported to the Board and shall be recorded in the minutes if reported at a meeting of the Board or recorded in the minutes of the next meeting of the Board if reported at a Member meeting. Within fifteen (15) days of the election, the Board shall give the Members general notice (per *Civil Code* section 4045) of the tabulated results of the election.

2.11 Retention of Association Election Materials. "Association election materials" shall mean the returned ballots, signed voter envelopes, the Voter List, tally sheet of votes cast by electronic ballot, proxies, and the Candidate Registration List. The association election materials shall at all times be in the custody of the Inspector of Elections or at a location designated by the Inspector of Elections for a period of one (1) year after the Inspector of Elections notifies the Board and the Members are notified of the election results, at which time custody shall be transferred to the Association. The Association shall retain the association election materials for the current fiscal year and prior two (2) fiscal years. At the expiration of the retention period all association election materials may be destroyed.

ARTICLE 3 CANDIDATES FOR THE BOARD AND NOMINATION PROCEDURES

3.1 Qualification of Candidates. Candidates for the Board must be Members at the time of their nomination and must meet all other qualifications or restrictions set forth in these Election Rules. In the case of a Member that is not a natural person (such as a corporation or other entity), the entity Member shall have the power to appoint a natural person as the "Member" for purposes of director elections. The Association shall disqualify a nominee for the Board for any of the following reasons:

- 3.1.1 The nominee is not a Member.
- 3.1.2 The nominee, if elected, would be serving on the Board at the same time as another owner of the same separate interest and the other person is either properly nominated for the current election or is an incumbent director.
- 3.1.3 If the nominee, at the time of nomination, is delinquent in the payment of regular and/or special assessments. A nominee shall not be considered "delinquent" if the delinquency relates to the payment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party and/or if the nominee: (a) has paid the regular or special assessment under protest; (b) has entered into a payment plan for repayment of the delinquent assessments and is not delinquent in payments due under the plan; or (c) has requested and has not been provided an opportunity to engage in internal dispute resolution.
- 3.1.4 If the nominee discloses, or if the Association is aware or becomes aware of, a past criminal conviction that would, if the Member was elected, either prevent the

Association from purchasing the fidelity bond coverage required by *Civil Code* section 5806 or terminate the Association's existing insurance coverage required by *Civil Code* section 5806 as to that person should the person be elected.

- 3.1.5 If the nominee has served the maximum number of terms or sequential terms allowed by the Association's governing documents.

3.2 Nominations.

3.2.1 Solicitation of Candidates. At least thirty (30) days before the deadline for submitting a nomination, the Association shall provide general notice (per *Civil Code* section 4045) of the procedure and deadline for submitting a nomination for the Board. Any Member who satisfies the qualifications and is not otherwise prohibited from running for the Board may place their name in nomination for the Board by submitting the nomination before the published deadline for receiving nominations. In addition, the Board may recruit qualified candidates and/or may appoint a nominating committee to nominate qualified candidates. Notwithstanding the foregoing, if Election by Acclamation is going to be considered, the Association must follow the procedures in Section 2.5 ("Election by Acclamation"), above.

3.2.2 No Write-Ins. No "write-in" candidates shall be permitted on the ballots in the election of directors.

3.2.3 No Nominations from the Floor. Nominations of candidates from the floor of membership meetings shall be prohibited in the ballots in the election of directors.

3.3 Candidate Registration List. The "Candidate Registration List" shall mean the list of candidates who will appear on the ballot and shall include the names and addresses of individuals nominated as a candidate for election to the Board. Upon request, the Association shall permit candidates to verify the accuracy of their individual information on the Candidate Registration List at least thirty (30) days before the ballots are mailed. The candidate shall report any errors to the Inspector of Elections who shall make the correction within two business days. The Association may, at its discretion, report any known errors to the Inspector of Elections. The Candidate Registration List shall be retained as "association election materials" as required by law.

3.4 Notice of Known Candidates. The names of all persons on the Candidate Registration List shall be set forth on the ballot.

3.5 Candidacy Statements. Any candidate who wishes to submit a candidacy statement may only do so using the Association's authorized form. The content of any candidate statement shall be limited to a statement of the candidate's qualifications to serve as a director.

3.6 Qualification of Directors. A director must comply with the same requirements set forth in Section 3.1 ("Qualification of Candidates"), above, pertaining to the qualifications for a candidate for the Board. The Board by a majority vote of the directors who meet the qualifications for directors, may declare vacant the office of any director who fails or ceases to meet any required qualification for directors that, pursuant to the Bylaws or the Election Rules, was in effect at the beginning of that director's current term of office. In addition, the Board, by a majority of a quorum, may declare vacant the office of any director who fails to make available any and all information the director and/or the Association is legally obligated to provide to a governmental agency for Association compliance with federal or state law requirements, including, without limitation, the requirements of the federal Corporate Transparency Act.

ARTICLE 4 USE OF ASSOCIATION MEDIA AND CAMPAIGNING

4.1 Access to Association Media – Candidates for the Board. The Board may, but is not required to, make Association media (e.g., newsletter, notice board, website, or other notices provided to the Members) available to qualified candidates running for election to the Board for purposes that are reasonably related to the election in which that candidate is running. If the Board allows any candidate access to Association media, then all qualified candidates shall be allowed equal access to the same media.

4.2 Access to Association Media – Other Matters. If the Board utilizes Association media to advocate a point of view on any matter (other than election of directors) that requires Member approval or allows any Member access to Association media for that purpose, then all Members advocating a different point of view shall be allowed equal access to the same media. The Board shall not be required to allow access to more than one Member advocating the same point of view.

4.3 "Equal Access." "Equal access" shall mean publication of written statements not to exceed a predetermined length as determined by the Board. The Board shall not edit or redact any statement but shall not be required to publish any statement that exceeds the predetermined length restrictions. Modifications to formatting may be made so as to allow for space and/or media restrictions. If any formatting modifications should become necessary, they shall be applied equally to all submissions and at no time shall any formatting be applied that may signify a preference or partiality.

4.4 Responsibility for Content. All statements published in Association media pursuant to the "equal access" rules must identify the author or proponent. No anonymous statements will be permitted. The author and/or proponent of any statement or point of view shall be solely responsible and liable for the content of their statements. The Association shall not be responsible or liable for the content of any statement published pursuant to the "equal access" rules.

4.5 Campaigning. No Association funds shall be expended for the purposes of campaigning in connection with any vote or election other than those funds specifically required to distribute required correspondence, notices, or forms that may contain the names of candidates or necessary information on the issues being voted upon, or as is otherwise deemed by the Board to be necessary or appropriate for the fair and reasonable conduct of a vote or election, or to the extent necessary to comply with duties of the Association imposed by law. Specifically excluded is the expenditure of Association funds for the purposes of expressly advocating approval, election, or defeat of any candidate.

ARTICLE 5 USE OF COMMON AREA MEETING SPACE

5.1 Access to Common Area Meeting Space – Campaigning by Candidates for the Board. The Board shall ensure that during a campaign all qualified candidates for election to the Board are given access to common area meeting space (if any) upon request, at no cost, for purposes reasonably related to their campaigns.

5.2 Access to Common Area Meeting Space – Other Matters. Whenever the Board places a matter before the Members which requires Member approval, the Board shall ensure that Members advocating a point of view on the matter are given access to common area meeting space (if any) upon request, at no cost, for purposes reasonably related to advocating their point of view, whether or not they agree with the point of view advocated by the Board on the matter at issue.

5.3 All Access. Any use of the common area facilities for the purposes described above shall be regulated by any existing rules and regulations for such use. The Board, in its sole discretion, may reasonably limit a candidate's or Member's access to common area facilities in order to facilitate equal access for other candidates and Members, and so as not to unreasonably interfere with other Members' rights to use such facilities.

ARTICLE 6 INSPECTOR OF ELECTIONS

6.1 Appointment of Inspector of Elections. Whenever there is a membership vote or election, the Board shall appoint one (1) or three (3) Inspectors of Elections, hereinafter individually or collectively referred to as the "Inspector of Elections," whose powers and duties shall be as set forth in *Civil Code* section 5100 *et seq.* The Board shall have the power to remove an Inspector of Elections who ceases to meet the required qualifications, is unable or unwilling to perform their duties, or for other good reason, and to appoint a new Inspector of Elections in their place.

6.2 Qualification of Inspector of Elections. The Inspector of Elections may be any persons the Board reasonably believes to be independent with respect to the matter or matters being voted on and may include Members of the Association, but may not be (i) a member of the Board or a candidate for election to the Board or be related to a current member of the Board or a candidate for election to the Board or (ii) the Association's manager, accountant, legal counsel, or any other person, business entity, or subdivision of a business entity that is employed by or under contract with the Association to provide compensable services to it at and/or after commencement of the election process other than serving as Inspector of Elections.

6.3 Payment to Inspector of Elections. The Board may authorize payment of Association funds to any third party appointed to serve as Inspector of Elections; however, no payment may be authorized for any Member appointed to serve as the Inspector of Elections.

6.4 Duties of the Inspector of Elections. The Inspector of Elections shall be responsible to perform their duties as follows:

- 6.4.1 Perform those tasks enumerated in *Civil Code* section 5110(c), including, but not limited to, those associated with electronic secret ballots as set forth in these Election Rules at Section 2.4;
- 6.4.2 Perform all duties impartially, in good faith, to the best of the Inspector of Election's ability, as expeditiously as is practical, and in a manner that protects the interest of all Members of the Association;
- 6.4.3 Make any necessary corrections to the Candidate Registration List or the Voter List within two business days of being informed of an error by a Member or by the Association;
- 6.4.4 Deliver (or cause to be delivered) the following documents to the members at least thirty (30) days before an election: (a) the ballot(s) by first-class mail and (b) a copy of these Election Rules by (i) individual delivery or (ii) by posting the internet website address where these Election Rules may be accessed on the ballot together with the phrase in at least 12-point type, "The rules governing this election may be found here: [*insert internet website address*]"; and
- 6.4.5 Retain the association election materials as provided herein.

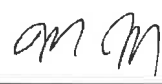
6.5 Indemnification of Inspector of Elections; Liability Insurance. The Association may, at the Board's sole discretion, indemnify the Inspector of Elections to the fullest extent provided by law. The Association shall have the power to purchase and maintain insurance to protect it

and/or the Inspector of Elections against any liability asserted against the Association and/or against the Inspector of Elections arising out of the Inspector of Elections' acts and/or omissions relating to any Association vote or election.

ARTICLE 7 AMENDMENTS

The Board may amend these Election Rules from time to time except that these Election Rules may not be amended less than ninety (90) days prior to an election unless that amendment is merely to conform to non-discretionary changes in the law.

I, Mathew Meredith, am the Secretary of the Cheyenne Owners Association, and certify that these Election Rules were duly adopted by the Board of Directors of the Association and came into effect on the 20 day of August, 2025.



Secretary

08 / 20 / 2025, 2025

Date