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# Tahoe Donner Association Voting and Election Rules

## Article 1                      MEDIA

1.1 Access to Association Media - Candidates for the Board. The Board may but is not required to make Association media (i.e., posting on the Association's official bulletin board/notice board/kiosk, or official website, broadcasting on Association television monitors, or other notices mailed or delivered by the Association to the owners of the Lots or Units) 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.

1.2 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.

1.3 "Equal Access". "Equal access" shall mean, in the case of written statements, publication of written statements not to exceed a predetermined number of words and, in the case of broadcast statements, broadcast statements not to exceed a predetermined length of time. The Board may require that broadcast statements be pre-recorded to comply with time constraints. The Board shall not edit or redact any statement, but shall not be required to publish any statement that exceeds the predetermined length restrictions.

1.4 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. The content of any candidate statement shall be limited to a statement of the candidate's qualifications to serve as a director.

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Article 2

MEETING SPACE

2.1 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, at no cost, for purposes reasonably related to their campaigns.

2.2 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, 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.

Article 3

VOTING BY SECRET BALLOTS

For a vote on any of the matters specified in Civil Code section 5100(a), voting by the Members shall be conducted by secret ballot using a "double envelope system" as described in Civil Code section 5115(a). Ballots and two envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the Association to all Members entitled to vote in such vote or election. Ballots shall be distributed a minimum of thirty (30) days prior to the deadline for voting. These matters are: (i) elections regarding assessments legally requiring a Member vote, (ii) election and removal of directors, (iii) amendments to the governing documents, and (iv) grants of exclusive use of common area property pursuant to Civil Code section 4600.

For votes on any other matter, votes may be by secret ballot or by written ballot, and ballots may be distributed a reasonable time (which may be less than thirty (30) days) prior to the deadline for voting.

Article 4

INSPECTORS OF ELECTION

4.1 Appointment of Inspectors. Whenever there is a membership vote or election, the Board shall appoint one or three inspectors of election.

4.2 Qualification of Inspectors of Election. Inspectors may be any persons the Board reasonably believes to be independent with respect to the matter or matters being voted on and may include the Association's manager, accountant, or legal counsel or Members of the Association, but may not be a Member of the Board or a candidate for election to the Board or a family member of a current Member of the Board or of a candidate.

4.3 Indemnification of Inspectors: Liability Insurance. Inspectors of election shall be deemed to be agents of the Association for purposes of Corporations Code section 7237 and shall be entitled to indemnification by the Association to the fullest extent provided by law. As provided in Corporations Code section 7237(i), the Association shall have the power to purchase and maintain insurance on behalf of any agent of the Association against any liability asserted against or incurred by the agent in his or her capacity as an agent of the Association or arising out of the

