

**To: TDA Board of Directors**  
**From: David Feingold, Esq.**  
**Date: 11.30.2020**  
**Re: Election Rules**

Directors: I have been asked to add to this annotated copy of the Proposed Election Rules "highlights" identifying those provisions that are optional, but not required by the Davis Stirling Act. As described in the annotations and in other communications, the TDA is required to adopt Election Rules that that "do all of the following", in order to "ensure" a fair and neutral election process, per Section 5105. Attached is a copy of the DSA provisions on Elections, also annotated. As you will note, it is not a simply a matter of adopting Sections 5100, et. seq., as the Election Rules for TDA. In any event, I have highlighted provisions that, while recommended, may not be strictly required by the DSA. There are not that many highlighted sections. (D. Feingold 12.11.2020)

The **annotations** to the right have been updated in **underline bold italics** to describe whether the content is preexisting in current TDA election related rules and policies or is new in the proposed Election and Voting Rules.

A problem with the existing rules and policies is that there is overlap between the current "Association Voting and Election Rules" and the "Fair Campaign Guidelines" and the "Election Procedures." Each of those three existing documents is attached.

The Davis Stirling Act requires the adoption of operating rules in accordance with Civil Code Section 5100, et seq., and those rules must comply with the requirements of the Davis Stirling Act. Thus a singular compliant set of operating rules needs to be adopted, and the overlapping existing documents need to be revised.

The intent of the new "Election and Voting Rules" is to both ensure that the mandated provisions are included and that current practices are incorporated in conformance with the mandated Rules, to meet the statutory requirements and to serve as a useful tool for the Elections Committee, the Inspector of Elections, and staff.

Because of the overlap in the existing documents it is not possible to provide redlines that are useful. A redline created from the outdated Election Rules will not reflect what exists in the Fair Campaign Guidelines or the Election Procedures which may have been pulled into the new Election Rules.

Hopefully the **additional annotations** below and the attached existing documents will provide a tool for the Board to reference as needed to understand more clearly what is new and what is not new.

**(FINAL DRAFT - PROPOSED)**  
**TAHOE DONNER ASSOCIATION**  
**ELECTION AND VOTING RULES**

The Tahoe Donner Association is a California Community Association and is governed by the Davis-Stirling Common Interest Development Act, as well as the Corporations Code, and the Association's Governing Documents. California law mandates certain procedures that must be followed in an association election and other member votes that may be required. These statutory provisions supersede any conflicting provisions of the Governing Documents and must be followed during the election and voting process. The purpose of these Election and Voting Rules is therefore to set forth the rules that must be followed to comply with applicable authorities and ensure a fair election and voting process.

**SB 323 took effect January 1, 2020, and made significant changes to Civil Code §§5100-5145 & §5200**

***This Section 1 is not totally new. Article 6 of the existing Election and Voting Rules includes provisions on Member Voting Rights, but they are outdated. Thus this new Section 1 has been modified to comply with current Davis Stirling Act Requirements. For example, the law has changed in terms of the Boards ability to declare a member not in good standing and how acclamation is addressed. Additional detail has been added as to entity ownership that you do not currently have.***

**1. MEMBER VOTING GENERALLY**

1.1 **One Ballot per Lot.** On each matter submitted to a vote of the Members, each Member shall be entitled to cast one ballot for each Lot owned by such Member. The term Member is the same as the term Owner. When more than one (1) person owns an interest in a single Lot, any ballot cast by a single Member shall be deemed the authorized ballot for that Lot. If more than one ballot is received for a Lot, the first ballot received shall be counted and no subsequently received ballot shall be recognized. If a Member owns more than one Lot in the Association, the Member should submit a separate ballot for each such property owned.

**General statement of Bylaw provisions. A ballot once case is Irrevocable. Not new.**

## 1.2 **Who Votes.**

1. Individual Owners (Members): Individuals in the chain of title may vote.
2. Trustee Owners: Trustees named in the chain of title may vote.
3. Corporate Owners: Entities (such as corporations or partnerships) must appoint and identify in writing an authorized individual to cast a vote.
4. Proxy-Holders: Proxy voting is not permitted except for quorum purposes See Bylaws, Article IV, Section 4(c)).
5. Power of Attorney ("POA"): After confirmation of the POA authority and ballot, the appointed POA may vote on behalf of the Member. The POA authority stops upon death of the Member.
6. Deceased Owner(s): Counsel may be consulted to address circumstances related to Estates, Executors, etc.

1.3 **No Cumulative Voting.** There shall be no cumulative voting. (See Bylaws, Article IV, Section 4(d)).

1.4 **Voter List.** The Association shall generate and update a Voter List separate from the general Membership list. The Voter List shall be updated prior to each election and include the following information:

- (1) Member's name;
- (2) Voting power, such as Powers of Attorney or Entity/Owner Representatives (if any);
- (3) Physical address of the voter's separate interest and/or the **unit and lot** number.
- (4) The mailing address for the ballot if different from the physical address of the separate interest or if only the unit and lot number is used.

**This is new, and in part reflects new Davis Stirling Changes.**

**Clarifies the individual person in the chain of title who is qualified to vote.**

**This is not new.**

**This is new as noted.**

**There is a requirement to maintain a member voter list. New Civil Code §5105(a)(7) requires the Association to verify this Voter List at least 30 days prior to the distribution of ballots. The statute is silent as to how best to solicit information for the Voter List. In Section 5 below we have included a process that is intended to reflect current practice and required deadlines.**

1.5 **Ballots and Meetings**. When a question is put to a vote of the Members, if required by law, direct ballots by mail shall be used. The four subjects that require double envelope, 30-day mail in balloting are: Election/Recall of Directors, Assessment decisions, Governing Document amendments, and grants of exclusive use of Common Area (see Civil Code §5100(a)(1)). The ballots should be accompanied by information about the matter, as well as notice of a meeting at which time ballots will be counted. The voting period may be extended by subsequent notice if necessary to ensure member participation. As to voting subjects not covered by law (or these Rules), the Board may use these or other reasonable procedures that best fit the circumstances of that particular vote.

1.6 **Quorums**. The Governing Documents, the Davis-Stirling Act, or other provisions of law may specify a quorum for Member approvals. If no quorum is so specified, the quorum shall be equal to one-third (1/3) of the total Voting Power.

## **2. COMMON TYPES OF VOTES GOVERNED BY THESE RULES**

2.1 **Election of Directors**. The Association shall hold an election for a seat on the Board of Directors at the end of the corresponding Director's term. The quorum for the election of Directors pursuant to the By-Laws, Article V, Section 5.2(a)(ii), is initially 25% of the voting power of the members. If that quorum percentage is not obtained, the meeting to count the ballots may be adjourned to another time and and/or place within 30 days from the initial meeting date, at which reconvened meeting the quorum percentage shall be reduced to 15% of the voting power of the Members. Thereafter, the candidates receiving the largest number of votes will be elected. See also Section 5.1 below regarding uncontested elections and acclamation.

**This is not new, see Article 3 of current Election and Voting Rules.**

**Section 1.5 describes the member votes that must be by double secret envelope**

**This is not new.**

**Statement of applicable law**

**This is not new.**

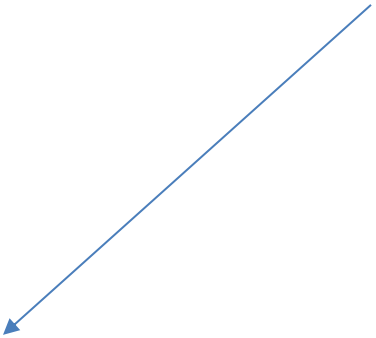
**Reflects Bylaw provisions.**

**TDA has a “Candidates for the Board” section in the existing Election and Voting Rules at Article 5. However, as noted below, it is outdated as to the new limitations on what might disqualify a member from running for the Board, and as to the timeline for seeking nominations.**

**Per Section 5100(g)(2), a notice seeking nominations for open director seats must be delivered at least 30 days before the close of the nomination period.**

**As noted below, this is new, but you do have an option of permitting write in candidates.**

**Per Section 5100(f), you may choose to permit write-in candidates for ballots. We included a prohibition on write in candidates as a recommended process for TDA.**



**2.1.1 Nominations.** The Association is always looking for volunteers who are willing to serve on the Board. At least 30 days before the close of nominations, the Association and/or the Elections Committee shall provide Individual Notice of the upcoming Election and the procedure for nominating candidates. A Member may self-nominate. Nominations will close as announced by the Board. Shortly after the close of nominations, ballots with all qualified candidates' names included will be prepared and delivered to Members. There shall be no write-in candidates.

**While you have candidate qualifications in the existing Election and Voting Rules, they are outdated and need to be changed.**

2.1.2 **Candidate Qualifications.** A candidate must be a natural person and a Member (owner in chain of title) of the Association. If title is held by a Trust, the Trustee(s) named on title is the Member(s) for purposes of candidacy (and voting). If title is held by an entity such as a corporation or partnership, and the entity wants a representative not in the chain of title to be a candidate, counsel should be consulted. Co-Owners of a Lot cannot serve concurrently on the Board.

**Alternative:**

2.1.2 **Candidate Qualifications.** A candidate must be a natural person and a Member (owner in chain of title) of the Association, for at least one year. If title is held by a Trust, the Trustee(s) named on title is the Member(s) for purposes of candidacy (and voting). If title is held by an entity such as a corporation or partnership, and the entity wants a representative not in the chain of title to be a candidate, counsel should be consulted. A candidate must also not be a co-owner of a Lot with a concurrently serving director, cannot have a criminal conviction that prevents the Association from obtaining a fidelity bond, and cannot be delinquent in assessment payments unless the member has either paid under protest or agreed to a payment plan.

Candidate qualifications is one of the major changes that was enacted with SB 323. There are now very limited grounds to refuse to allow a member to run for the Board. Section 5100(g) expressly permits “all candidates” to run if nominated, with limited exceptions.

One basic exception is if the candidate is not a member of the Association. In the event of entity ownership, we recommend dealing with that on a case by case basis.

As set forth in Section 5100(g), the only other permitted grounds to refuse a member’s right to run for the Board are (i) a criminal conviction that would prevent the Association from obtaining a fidelity bond (e.g., a financial crime, etc ), (ii) if the member is delinquent in assessment payments and has not paid under protest or agreed to a payment plan, (iii) is a co-owner of a serving director, and/or (iv) has been a member of the Association for less than 1 year.

You may add some or all of these permitted exceptions to avoid confusion, and I have added alternative language to reflect these permitted limitations.

**2.2 Recall of Directors.** The recall of one or more Directors is addressed in the Corporations Code §7222, Bylaws, and/or Civil Code §§5100-5130. In addition to those standards, double-envelope balloting will be used. Any or all Directors may be recalled by the approval of at least a majority of all Members.

**2.3 Assessment Decisions.** The approval of a majority of a quorum of Members is required for the Board to raise regular Assessments or impose a Special Assessment above certain prescribed amounts, as set forth in Civil Code §5605, which provides that the approval of a majority of a quorum of the voting power of the Association must approve (i) a regular assessment that is more than 20 percent greater than the regular assessment for the association's preceding fiscal year, and/or (ii) impose special assessments which in the aggregate exceed 5 percent of the budgeted gross expenses of the association for that fiscal year. For purposes of this section, a quorum is specifically defined as more than fifty percent (50%+) of the Voting Power of the Association.

**2.4 Governing Document Amendments.** Should the Association desire to amend its Articles of Incorporation, Bylaws and/or the Declaration of Covenants and Restrictions ("Declaration"), the text of the proposed amendment(s) shall be delivered to the Members with the ballot. Quorum participation and/or the number of votes necessary to pass will be indicated on the ballot and/or in the ballot material. For example, amendment of the Bylaws requires the approval of a majority of a quorum in most cases, and amendment of the Declaration requires the approval of a majority of the total Voting Power.

**2.5 Grant of Common Area Exclusive Use.** Tahoe Donner subdivision maps and Governing Documents identify areas of ownership and control. If approval of Members is required for the Association to delegate control of an area that would otherwise be Common Area, then the voting process in these rules shall be used. Approval requires at least sixty-seven percent (67%) of the voting power favoring the grant of such exclusive use.

**This is not new, see Article 3 of existing Election and Voting Rules.**

**Legal Requirement**

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**Legal Requirement**

**2.6 Other Issues.** At the discretion of the Board, any issue presented to the Members for a vote may be conducted using the double-envelope process described in these Rules. If the vote does not involve election or recall of Directors, amendment of Governing Documents, Assessment approval, or grant of exclusive use of Common Area, then the Board may describe alternate voting procedures with the voting material.

### 3. CAMPAIGNING

**3.1 Association Media and Common Area.** In the context of an election or other vote, if Association media is provided to candidates or Members advocating a point of view, all are to be treated equally with respect to such opportunities to communicate with Members. This would apply to campaign related information that is delivered through Association channels, such as via the website, the magazine, or emails or mailers. Where equal access is required, the Association shall not edit or redact content from these communications but may include a statement specifying that the candidate or Member, and not the Association, is responsible for that content. The Association is not required to offer communication opportunities to candidates or Members advocating a point of view; however, if such a benefit is offered to one candidate or Member, the same opportunity must then be offered to all. If the Association does permit Association Media to be used to distribute candidate statements or information, or other advocacy material related to a vote or election, reasonable restrictions on the size, weight and format established by the Association must be followed. For example, a standardized form with a one or two page limit may be required for information about a candidate running for a position on the Board of Directors. Paid advertising in the Tahoe Donner News by candidates or others supporting a candidate or advocating a position shall not be permitted. Candidates and members advocating a point of view reasonably related to an election or vote shall also be provided access to Common Area meeting spaces, upon request, during an election or voting cycle, at no cost.

**This is new.**

Provides discretion if the Board decides to put any other issue to the members using the same double envelope system.

**This Section 3 is not new. TDA's Voting and Election Rules that were provided indicate that they were prepared in 2015 by Berding and Weil.**

**This Section 1, "Media" covers the same general subject matter as in the Existing Rules, that is, Equal Access to Association channels for all candidates or points of view.**

This Section reflects the Davis Stirling Act requirements for Election Rules, Section 5105, et. Seq.

Access to Association Media must be equally provided, if it is provided at all.

Also included is legally required access to the Common Areas, e.g., the clubhouse for campaign related event.



3.2. **Campaign Signage.** Signage, flyers, and other campaign related material shall not be posted in or on Association owned or controlled common area or common facilities or property unless expressly authorized by the Association. Campaign signs are permitted on private property (lots owned by a member) within Tahoe Donner with the owner's express permission. Any election related signage must comply with the Town of Truckee regulations that exist at the time of the Election. As of 2020, the regulations provide that temporary political signs may be posted 60 days preceding the election and must be removed within 14 days following the election and may be located within the Town of Truckee right of way as long as they do not create site distance conflicts or other safety hazards (See Town of Truckee website).

3.3 **Disclaimer.** Individual members have the right to personally endorse any candidate of their choice. However, when such endorsements are made in writing, individuals who hold an official position with the association (e.g. board member, committee member, task force member, club leader, members who are Tahoe Donner employees) shall prominently display a disclaimer dissociating their private endorsement from any official Tahoe Donner groups or bodies with which they are affiliated. The Elections Committee provides the following disclaimer language as a model:

***This endorsement does not represent the views or opinions of Tahoe Donner or any official Tahoe Donner groups or bodies.***

*As noted below, 3.2 is not in the existing Election Rules but it is not new – the signage rules are in the existing “Fair Campaign Guidelines” (Paras. 1-4). They were included here in order to make it clear that a violation may be enforced as a rules violation if not followed.*

We also incorporated some of the detail from the preexisting election procedures and campaign guidelines, such as the prohibition on paid advertising in this Section 3.1, and the Sections below, based on past practices.

*Sections 3.3-3.5 are not new, as the Fair Campaign Guidelines include a 3.3 in Section 6, and 3.4 and 3.5 at Section 7 Titled “ Electronic Campaigning.”*

*If the Board thinks these are properly an enforceable rule, as opposed to an advisory guideline, they may be included here, with the caveats noted below.*

While there is an argument that such a disclaimer somehow violates the free speech rights of members in their individual capacity, in my opinion such a disclaimer would be upheld and may be an enforceable rule.

I did briefly review a memo from a member forwarded to me by the Election Committee, who questions whether this requirement is

**3.4 Electronic Campaigning.** The use of the membership list, personal bulk email or contact lists, or other publicly available member contact information cannot be controlled by the Tahoe Donner Association. However, communications delivered via any bulk electronic method (e.g., emails or text messages) from candidates or candidates' supporters or others advocating a position on a matter submitted to the members for a vote, shall display a prominent OPT OUT link. If a member OPTS OUT, the member's address must be removed from the distribution list and that member must no longer be contacted.

proper if the Association is prohibited from editing or redacting information that is provided and distributed via Association media.

I don't think this simple disclaimer would be found to be in conflict and would be upheld if challenged, even if applied to campaign related views delivered via Association Media channels.

I also believe it is consistent with TDA's required neutrality to require Association volunteers to make it clear their endorsements are not the view of the Association.

***This Opt Out requirement is existing as noted.***

While the Association has limited ability to control free speech rights, if a member has assembled a large personal mailing list and is sending out campaign related communications, I don't think it violates a members free speech rights to require an Opt Out link or to remove a member from such communications upon the member's request.

As with other portions of this section, if the Board is concerned about its ability or desire to control any aspect of these outside communications, this provision may be moved to the guidelines.

### 3.5 Tahoe Donner Member Contact Lists.

Members are entitled to request the official Membership List for communications related to Association business, including elections or votes of the membership. Candidates or their supporters or others advocating a position on a matter submitted or to be submitted for a vote of the members may request and use the Membership List for communication purposes, however, shall not share that list with others. Additionally, while the Association maintains other member contact lists for a variety of purposes, those lists are not available to the members and shall not be shared or harvested and used for campaign purposes.

### 3.6 Fair Campaign Guidelines. The

Association publishes Fair Campaign Guidelines, which set forth expectations for candidates, supporters, and members to follow when advocating a position. The Guidelines set forth basic principles of decency, fair play, and honesty, and should be reviewed and followed. While the Association cannot control the manner in which passionate advocates or candidates express their views given the fundamental free speech rights each member possesses, a failure to follow the Guidelines may reflect poorly on a candidate or their supporters and the voting members may take that into account in casting their votes.

*This is not new as noted. The first two sentences are statements of existing law, although the requirement that membership lists are to be shared is implied, not expressly stated, in existing law.*

*The final sentence makes it clear that other TDA contact lists are not to be shared or harvested or used for campaign related communications. Again, in existing guidelines.*

*This is Section 3.6 is new. The Guidelines are not new, but as noted as they now exist they overlap the Rules. The reference to the Guidelines in the required Election Rules is to more clearly define what is an enforceable rule and what is simply an advisory guideline.*

This is a reference to the Fair Campaign Guidelines, the separate document that is advisory as opposed to a rule that is enforceable by the Association. The reason to separate the two is to avoid certain issues that arose in 2020, e.g., the assertion that certain campaign communications violated election policies because they did not follow basic principles of decency and fair play and honesty, and the Board had a mandatory duty to investigate and enforce the election policies in place.

#### 4. INSPECTOR OF ELECTION

4.1 To oversee and monitor the logistics of balloting and other voting matters, the Board is required to appoint one or three individuals to serve as Inspectors of Election. The role of an Inspector of Election is to process and count ballots, monitor the tabulation to assure confidentiality for voters, and to resolve any uncertainties during the process. Because the most common practice at Tahoe Donner is to use a single Inspector of Elections, the singular is used herein.

4.2 The Inspector of Elections must be an independent third party. Those not qualifying as independent include a member of the Board or a candidate, or an immediate family member or co-owner of a Board member or candidate. Also not qualifying are any persons employed or retained by the Association for any work except for the specific task of serving as an Inspector of Elections. The Inspector may appoint and supervise additional persons to assist with the count and tabulation of ballots, including members of the Elections Committee, provided they too are Independent Third Parties.

4.3 The Inspector of Elections shall perform their duties impartially, in good faith, to the best of their ability, as expeditiously as is practical, and in a manner that protects the interest of all Members of the Association. If there are three Inspectors of Election, the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report made by the Inspector of Elections (such as the tabulation of ballots) is prima facie evidence of the facts stated in the report.

4.4 The Inspector of Election is responsible for assuring that the sealed ballots are received and processed properly. Once a ballot is received, it is irrevocable. The Inspector of Elections, or the individual or firm (e.g., independent accountancy firm) designated by the Inspector, shall verify the Member information on the outer envelope prior to or at the meeting at which ballots are tabulated. The validated sealed envelopes shall not be opened until the meeting at which the tabulation is to occur. After publication of the tabulated results of the election, the Inspector shall direct and control the storage of

*This is not totally new, see Article 4 of existing Election and Voting Rules. It has been updated and modified to comply with current law and we added additional detail from the Election Procedures document to reflect the practices followed at TDA, as those practices overlap with Davis Stirling Act Requirements.*

*The law has changed as to who is eligible to be an Inspector, so this has changed.*

*This reflects the practice of having an independent accountancy firm serve as an assistant to the Inspector, and the legal requirement that the Inspector maintain overall control and responsibility for the process and the storage of ballot materials.*

the Election Materials for a period of 12 months. Thereafter, custody shifts to the Association.

4.5 The Inspector of Elections' responsibilities include:

- Appoint, direct and monitor assistant(s) to help with the balloting and tally process.
- If necessary, review any issues related to the nomination process or compilation of the voter list.
- At least 30 days before ballots are distributed, the Association will ask Members to verify the accuracy of their information on the Voter List. The Inspector will confirm with staff the accuracy of the Voter List and confirm that proper documentation is on file for any Powers of Attorney or Entity/Owner Representatives who will be casting ballots.
- Confirm delivery of the balloting package at least 30 days before the counting of ballots. Unless otherwise specified, the Association is responsible for distribution (by mail and/or hand delivery) of the ballots and accompanying materials. The practice at Tahoe Donner is to have ballot return envelopes addressed and delivered by mail to the Inspector of Elections, or the assistant individual or firm (e.g., independent accountancy firm) designated by the Inspector. Ballots may also be submitted at the meeting at which the votes are tabulated. A secure ballot box may also be used, if designated by the Inspector of Elections, for the receipt of ballots.
- The Inspector shall confirm that a copy of the Voting Rules has either been or will be included with the mailing of the ballots, or in the alternative, a notice shall be included with the ballot material in at least 12-point font that provides: "The rules governing this election may be found here: [web address]".
  - Where ownership changes

**The existing Rules and guidelines do not include this detail, which we recommend both to ensure compliance with the Davis Stirling Act, and to serve as a reference tool for the Elections Committee, the Inspector, and staff.**

during the voting cycle,  
determine if the seller voted  
or, if not, whether or not the  
buyer's ballot will be accepted.

- When an unsigned ballot envelope is received, utilize discretion as to if and how the Member may be given an opportunity to sign the envelope prior to the start of opening envelopes and counting.
- Determine the number of memberships entitled to vote and the voting power of each.
- Inspect the Voter List and Unopened Ballot Envelopes.
- Count and tabulate ballots.
- The Tahoe Donner Bylaws do not permit Proxy voting, other than for quorum purposes. The Inspector shall have the authority to determine the validity and effect of any proxies that may be submitted.
- Determine the authenticity and validity of Powers of Attorney or entity representative authority, if any.
- Determine or confirm when the voting shall close.
- Disqualify subsequent ballots received from a Member after receipt of the first ballot from that Member or from a co-Owner.
- Disqualify any ballot that is not an Official Ballot prepared by the Association.
- Hear and determine all challenges and questions in any way arising out of or in connection with a member's right to vote.
- Address any other irregularities which may arise during the voting process.
- Determine a method to break tie votes.
- Control custody of the Election Materials for a period of 12 months following the publication of the tallied election results.
- Control and oversee any post-election Member request to review the ballots.
- Take other actions to assure fairness in the election process and compliance with these Rules and any other applicable rule or policy if not in conflict

with these Rules.

## 5. VOTING PROCEDURES

5.1 **Timing.** The Association, assisted by the Elections Committee, shall establish a timeline for the election of Directors or other vote of the members. Keep in mind, however, that Voting Rules cannot be amended within 90 days of an election or vote.

5.2 **Appointment of Inspector(s) of Election.** At least 60 days prior to an Election, the Board should appoint the Inspector of Elections.

5.3 **Nominations.** At least 30 days before any deadline for submitting a nomination, the Association shall provide Individual Notice of the procedure and deadline for submitting a nomination.

5.4 **Verification of Voter Information.** At least 30 days before the ballots are distributed, the Association shall permit Members to verify the accuracy of their individual information on a Voter List. The Association or Member shall report any errors or omissions on the List to the Inspector of Elections and/or designated individual assistant, typically staff, who shall make corrections to the Voter List. If there are any Powers of Attorney or Entity/Owner Representatives who will be casting ballots, these must be identified on the Voter List and appropriate documentation provided to the Association in this time frame.

5.5 **Voter List Solicitations.** Annually, the Association must solicit Member contact information to keep the Membership List updated. In addition to the Membership List the Association must maintain a Voter List, and verify the accuracy of the Voter List at least 30 days prior to the distribution of ballots. While there may be overlap between the Membership List and the Voter List, they are two distinctly different lists, and an accurate Voter List is critical for each election or vote.

5.6 **Balloting Information.** At least 30 days before ballots are distributed, the Association shall provide General Notice of the following:

- The date and time by which ballots are to be returned (by mail or hand delivery) to the Inspector of Elections and/or designated individual or firm (e.g., independent accountancy firm);
- The address where ballots are to be returned; and
- The list of all candidate names that will appear on the ballot.
- Individual Notice shall be used for any Member

**This section 5.1 is a new legal requirement.**

**The remainder of the section, as noted, has been pulled from voting procedures and timelines, and modified for statutory compliance. As with the Inspector of Elections Section, including the legally required timeline and detail along with the practice of the TDA is intended to both comply with the law and provide a single reference document to guide the TDA in conducting the Election.**

These voting procedures were largely pulled from existing election procedures and timelines, and updated to make sure they comply with current law.

They are intended to reflect the standard practices and be a reference to ensure the procedures that are followed include those that are required by DSA.



who has requested Individual Notice. The Inspector of Elections shall coordinate with the Elections Committee regarding these details.

5.7 **Mail-in Ballots.** Not less than 30 days ahead of the Election, the Association shall deliver (by first class mail or hand delivery) secret ballot voting material, including ballots, voting instructions, explanatory material, candidates statements, etc., to every Member. Prior to opening the received ballots, the Board may reasonably extend the voting period to achieve greater Member participation in reaching quorum requirements (if applicable) or to amend the Declaration or take other actions which may require approval of a significant percentage of Members. Only the Official Ballot form generated by the Association will be counted. The Association Bylaws do not permit Proxy Voting except for quorum purposes. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of voter absentee ballots, including all of the following:

- (1) The Association shall provide Members with ballot(s) and two pre-printed envelopes along with instructions. The instructions shall specify how ballots are to be returned. Typically, ballots will be returned by first class mail. However, ballots may also be hand-delivered to a secure ballot box.
- (2) The ballot itself is not signed by the voter and the voter may not be identified by name, address, or unit and lot number on the ballot itself.
- (3) After marking the ballot, it is to be inserted into the smaller of the two preprinted envelopes and the envelope is sealed. This envelope is inserted into a second envelope that is also then sealed. In the upper left hand corner of the second, outer envelope, the voter prints and signs his or her name, and verifies the accuracy or otherwise indicates the address and the unit and Lot number that entitles the Member to vote. Note that an outer envelope received without a Member signature will not be counted (unless a signature is added prior to the tally of the ballots).
- (4) The second outer envelope is addressed to the Association to a location to be designated by the Inspector of Elections. The envelope may be mailed and/or delivered by hand to a location specified by the Inspector of Elections. The Member may request a receipt of delivery.
- (5) Once a ballot is received, it is irrevocable. If a ballot is properly cast and received within the balloting period, and a sale occurs, the new Member does not cast a second ballot. If no



ballot has been cast / received for that property prior to the final voting deadline, the new Member may cast the ballot.

5.8 **Uncontested Election / Acclamation.** If, at the close of nominations, the number of qualified nominees is equal to or less than the number of Directors to be elected, pursuant to the Association ByLaws, the Association should consult with counsel as to the ability to declare the nominated candidates elected without the need for mail in voting.

## 6. **BALLOT TABULATIONS & ANNOUNCEMENT OF RESULTS**

6.1 The Inspector of Elections or designated individual or firm (e.g., independent accountancy firm) may verify the Member information on the outer envelope prior to or at the meeting at which the ballots are counted. No one is permitted to open the inner envelope containing the ballot prior to the meeting at which the ballots are to be counted and tabulated.

6.2 The Inspector of Elections shall supervise the counting and tabulating of the ballots at a properly noticed open meeting of the Board or Members. Any candidate or other Member of the Association may witness, but not participate in or interrupt, the counting and tabulation of the ballots.

6.3 The tabulated results of the election shall be promptly reported to the Board and shall be recorded in the minutes of the next meeting of the Board. Members have a right to review the results. Within 15 days of the election tally, the Board shall publish by General Notice the tabulated results of the election in a communication directed to all Members.

**This is not new, as it is in the Voting and Election Rules at Article 6(3). It has been updated to reflect changes in the Davis Stirling Act, as noted below.**

**TDA is one of the few Associations that is expressly covered by the SB323 change that expressly permits using acclamation if certain qualifications are met, one of them being that the “association includes 6,000 or more Units.” We left this open and believe the best practice in the rare case where this may occur is to seek an opinion of counsel.**

**This is new.**

**This reflects DSA legal requirements.**

**Because historically the accounting firm assists with the count and stores the ballots, we make it clear that the Inspector may determine where the election materials are stored.**

## 7. RETENTION OF ELECTION MATERIALS

7.1 For a period of 12 months following publication of the tallied results of the election, the Inspector of Elections is responsible for custody of the Election Materials, and shall determine where the Election Materials shall be stored. After 12 months, the custody of the Election Materials shifts to the Association.

7.2 Upon written request, the Association will coordinate with the Inspector of Elections and/or designated staff to make the ballots available for inspection and review by Members or their authorized representatives. Any such review shall be conducted in a manner that preserves the confidentiality of the members' vote.

## 8. DEFINED TERMS

8.1 **"Election"** means the date on which the ballots are scheduled to be opened and tallied.

8.2 **"Election Materials"** means and includes returned ballots, signed voter envelopes, the Voter List of names, physical addresses and/or unit and lot number, and voters to whom ballots were to be sent, Inspector(s) of Election Worksheets, and the list of candidates.

8.3 **"General Notice"** means delivery of documents and/or information to a Member by Individual Notice, inclusion in a billing statement or newsletter, or posting the printed document in a prominent place at the Property designated for such notices.

8.4 **"Individual Notice"** means and includes any of the following: first class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier; or electronic mail (if the Member has consented to electronic delivery).

8.5 **"Voter List"** means the list of membership information generated by the Association, and verified by the Members prior to each election, which includes the following information: Member's name and voting power, physical address of the voter's separate interest and/or unit and lot number, the mailing address for the ballot if different from the physical address, and identification of Powers of Attorney or Entity/Owner Representatives (if any).

*This is new, and is legally required.*

*These are new.*

**9. AMENDMENT OF VOTING RULES**

These Rules shall not be amended less than 90 days prior to the scheduled meeting at which the ballot tally is to be conducted.

**END**

**As noted above, this is a new SB323 requirement.**



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## **Tahoe Donner Association Voting and Election Rules**

### Article 1                      MEDIA

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.

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.

I .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

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. 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

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

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agent's status as such, whether or not the Association would have the power to indemnify the agent against such liability under the provisions of Corporations Code section 7237.

## Article 5 CANDIDATES FOR THE BOARD

1. Qualification of Candidates. Candidates for the Board must be Members in good standing and must meet any other qualifications or restrictions set forth in the Bylaws. Co owners of one or more Lots or Units may not serve on the Board at the same time (Bylaws Article VII, Section 2(iii)). "Member" means a person who holds legal title to the property (i.e., is named in the deed for the property).

2. Nominations. The Board shall publish or post a notice recruiting candidates for the Board and stating the deadline for receipt of nominations. Any Member who satisfies the qualifications may place his or her name in nomination for the Board by giving written notice to the Board 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.

3. Notice of Known Candidates. After the deadline for nominations of candidates for the Board, nominations shall be closed. The names of all persons who are qualified candidates for election to the Board shall be set forth on the ballots. No "write-in" candidates shall be permitted on the ballots in the election of directors.

## Article 6 MEMBER VOTING RIGHTS

1. Qualification for Voting. Only Members in good standing shall be allowed to vote. A Member shall be deemed to be in good standing unless, after notice to the Member and an opportunity for hearing, the Board has found the Member to be not in good standing and has so notified the Member in accordance with Civil Code section 5855(a). As long as any co-owner of a Lot or Unit is not in good standing, no vote shall be permitted for the Lot or Unit.

2. Voting Power of Each Membership. On each matter before the Members, only one vote shall be cast for each Lot or Unit. Once a ballot is received by the inspector of election, it may not be rescinded. Cumulative voting is not permitted in the election of directors.

3. Election by Acclamation. 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, then the qualified candidates shall be declared elected and shall take office at the first Board meeting following the deadline for nominations or, if later and an annual meeting is held, then at the first Board meeting after the annual meeting. Written notice of the election shall be given to the Members.

4. Proxies. 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.







## **TAHOE DONNER ASSOCIATION 2019 BOARD DIRECTOR ELECTION FAIR CAMPAIGN GUIDELINES**

The purpose of this document is to provide members, candidates and candidate supporters with guidance regarding actions that are encouraged while running an election campaign for the Tahoe Donner Association Board of Directors' Election.

The election process is intended to provide the membership with an opportunity to learn about candidates and their positions on issues confronting the association. The election is an essential part of building and sustaining a neighborly community within the association, and campaign practices should promote that objective. In this vein, candidates are expected to abide by basic principles of decency, fair play, and honesty, including not making statements known to be false about other candidates, their backgrounds, affiliations or positions. Further, the right of candidates to engage in campaign activities must be balanced by the right of members to peaceful enjoyment of all Tahoe Donner Association property and facilities. Thus, candidates are urged to be respectful of members and to honor their privacy.

Candidates participating in the Tahoe Donner Association Board of Directors Election will abide by the following:

1. The posting of signage, flyers, etc., on Association Media (official bulletin board, notice board, kiosk, official website, broadcasting on Association television monitors or other notices mailed or delivered by the Association members) is not permitted, unless specifically authorized by the Board of Directors. (See Section 1.1 of the Tahoe Donner Association Voting and Election Rules). If authorized, each official candidate will be provided with an Electronic Bulletin Board hosted by Tahoe Donner. Campaign materials can be posted/updated weekly during the campaign cycle. Candidates may include a link to a personal website on the Electronic Bulletin Board. The campaign period will begin when the roster of candidates is approved by the Elections Committee and will terminate when Elections Committee announces final election results.
2. Campaign signs are permitted on private property (Separate Interest) within Tahoe Donner with the owner's permission.
3. The Town of Truckee regulations provide that temporary political signs may be posted 60 days preceding the election and shall be removed within 14 days following the election and may be located within the Town of Truckee right of way as long as they do not create site distance conflicts or other safety hazards (See Town of Truckee website). These rules shall be applicable to Tahoe Donner Association elections.



4. Paid advertising in the Tahoe Donner News by candidates is not permitted.
5. Candidates are encouraged to exercise caution in the public distribution of all public information. Candidates shall not knowingly distribute or disseminate information of any kind to the members which they know is false or materially misleading. When using social media, e.g., [www.nextdoor.com](http://www.nextdoor.com), candidates shall abide by the site's stated rules and regulations. The Tahoe Donner Association is not responsible for content by candidates using social media, nor does it have any control over the use of social media by candidates.
6. Individual members have the right to personally endorse any candidate of their choice. However, when such endorsements are made in writing, individuals who hold an official position with the association (e.g. board member, committee member, task force member, club leader, members who are Tahoe Donner employees) shall prominently display a disclaimer dissociating their private endorsement from any official Tahoe Donner groups or bodies with which they are affiliated. The Elections Committee provides the following disclaimer language as a model:
  - "This endorsement does not represent the views or opinions of Tahoe Donner or any official Tahoe Donner groups or bodies."
7. Electronic Campaigning
  - The use of bulk e-mail lists or cell-phone numbers for campaign purposes cannot be controlled by the Tahoe Donner Association. However, Candidates or candidates' surrogates who utilize this type of campaigning shall display a prominent OPT OUT link in their e-mails or text messages. If a member OPTS OUT, their address must be removed from the distribution list. Continued unsolicited contact, after being rebuffed by the member, could be considered harassment.
  - It is the policy of Tahoe Donner Association that member e-mails or cell phone numbers provided to the association along with mailing address for communication purposes, will not be shared. Additionally, e-mail addresses and cell phone numbers collected by the Board of Directors and official TD Committees, Task Forces or Association sponsored clubs shall not be shared or harvested for the purpose of building a bulk e-mail list or cell phone contact list for campaigning.





- Personal e-mails that members send to their friends, neighbors, and acquaintances for campaign purposes cannot be controlled by the Tahoe Donner Association.
  - The Elections Committees urges candidates and members to use discretion when campaigning by both bulk and personal e-mail.
8. In accordance with California law and Association rules, candidates are permitted access to common areas for campaign purposes.
- Candidates have the right to access members for campaigning purposes, and members have a right to the peaceful enjoyment of all Tahoe Donner Association properties and facilities. As such, Candidates are asked to respect members' right to peaceful enjoyment at all Tahoe Donner Association properties and venues.
  - If a Candidate believes that their access to the membership is restricted or if a member believes that their right to peaceful enjoyment is infringed upon, please inform the Elections Committee immediately via email at [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com). The Elections Committee will follow up with the individual lodging the complaint, and all candidates will be notified of the outcome. Depending on the severity of the complaint, the Board of Directors might become involved.
9. Members occasionally submit questions to a candidate or candidates. If the candidate(s) needs assistance from staff to answer such questions, the question should be forwarded to the Elections Committee mailbox at [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com). The Elections Committee, in conjunction with the General Manager or Designee, will identify the appropriate staff member to answer the question and consult with the candidate(s). Once an answer is received, it will be shared with all candidates. This process will ensure that all questions asked are answered correctly, factually and shared with all the other candidates.
10. The Elections Committee will monitor the election process to help assure its fairness and impartiality. To that end, the Elections Committee, in conjunction with the Inspector of Election, will monitor campaign activities of candidates, respond to and investigate inquiries/complaints from members, staff and/or other candidates and inform the Board of issues that may be in conflict with the Associations CC&R's.
11. It is a goal of the Elections Committee to make opportunities available to the membership to meet and interact with the candidates during the Election period so that members may inform their vote



for the Board election. Formal Elections Committee sponsored candidate access to the membership will be made available on separate occasions, scheduled early in the election cycle. Dates and times of these events will be published in each Election Candidate Packet and posted online and sent through email to inform the membership These events include –

- Candidates Night with Formal Questions
  - Saturday, May 25, 2019
  
- Candidate Meet and Greet Events
  - Saturday, May 11, 2018
  - Saturday, June 8, 2019





## **Tahoe Donner Association 2020 Board of Directors Election Procedures**

- January 31** The Board is asked to review and approve proposed changes to the 2020 Fair Campaign Guidelines and 2020 Election Procedures in light of SB 323. The Board establishes April 27 as the record date for candidate eligibility to stand for election and May 27 for member eligibility for voting.
- February 1** February Tahoe Donner News article is published advising membership of procedure and deadline for submitting a nomination for a Board of Directors position, pursuant to Civil Code section 5115 (a), which requires such notice at least 30 days before the close of nominations.
- February 22** The Board is asked to approve the updated 2020 Fair Campaign Guidelines if not approved in January.
- March 30** Candidacy applications will be made available in the Member Services office at the Northwoods Clubhouse or electronically at: [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com).
- April 27** Close of Nominations is at **10:00 A.M.** on April 27, 2020. Proof of ownership (a copy of recorded deed), and a conflict of interest statement are required with the submittal of candidacy applications. All candidates must be members in good standing (Re-stated Bylaws Article IV, section 3) as of April 27 to stand for election, unless an exception exists pursuant to Civil Code section 5100 (f) (3) (b) (2).
- Hard copy applications must be submitted by this deadline to the Member Services office at the Northwoods Clubhouse. Applications may also be submitted via email in PDF format to the Elections Committee at [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com)
- The Elections Committee and staff meet to verify the eligibility of those candidates whose applications were received in a timely manner. Candidates who are deemed eligible, are advised by the Elections Committee, as to their qualifications to run and are invited to:



1. Submit a candidate's statement (not to exceed 8 ½ x11 inch pages), which will be mailed, as submitted, to the membership along with the Election Ballot. Candidates' statements should be submitted electronically in PDF format to [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com). They will be reviewed as received for compliance with size limitations – no review of content will be performed, and the Association shall not be liable for content. If any statement received fails to comply with the size limitation, the author will be advised that such statement will not be accepted unless corrected prior to the May 11, 2020 deadline.
2. Attend the Candidates' Information Forum on May 8, 2020, at the Northwoods Clubhouse.
3. Record an introductory video and have an official candidate photograph taken which will be posted on the Tahoe Donner website. Videos and photographs will be recorded by Tahoe Donner staff by appointment and must be completed by close of business May 8, 2020. (*See May 8 description of Candidate Information Forum for details on video/candidate photo options*).
4. Participate in three Elections Committee sponsored events intended to allow members to interact with candidates and inform their voting decisions:
  1. Candidates Meet and Greets – May 16 & June 6, 2020
  2. Candidates Night Forum – May 23, 2020

The Elections Committee conducts a blind drawing of candidate names to determine ballot order. (The actual drawing is done by a non-committee member). Ballot order drawn at this time will determine placement of the Candidate names on the elections ballot, candidate statements in the Election Packet, all communications, as well as the order for asking questions at the Informational Forum on May 8, 2020 and Candidate's Night on May 23, 2020.

Slate of candidates is announced to the membership via e-mail blast and Association video screens.

Elections Committee Chair notifies the Board of the slate of candidates for election.

As provided by Article VII, Section 5(d) of the Amendments to the Restated Bylaws, if two, but no more than two, eligible candidates have submitted their timely applications for the two available seats, the Board of Directors declares that those candidates are elected, and the Director Election concluded.



**April 27**

Slate of candidates and the information required by Civil Code section 5115 (b) is communicated to the Board and announced to the membership via e-mail blast and Association video boards.

**May 8**

**Candidate Video and Photo Shoot  
Northwoods Clubhouse - Meadow Room  
By Appointment 8:30 AM - 1:30 PM**

TD staff is available by appointment to record a 60 second introductory video and take an official candidate photograph, which will appear on the TD hosted candidate web page. Appointments will be scheduled for 30 minutes.

If a candidate is unavailable on May 8, 2020 to have the video and photo completed by Tahoe Donner staff, he/she can either produce them independently and submit them to the marketing Department by **4 p.m.** or waive the opportunity to have them included on the website when Candidate pages 'go live' on May 15, 2020. *Later submissions will be posted to the web when received and processed by the Marketing department.*

**May 8**

**Candidate Informational Forum  
Friday May 8, 2020  
Northwoods Clubhouse – Mezzanine Room  
2:00 – 4:00 p.m.**

Tahoe Donner staff, Board members and Committee Chairs are present at this meeting to provide information to the candidates and answer any questions candidates have about serving on the Board, Association governance and management, Committee structure and functions, etc. This informational Forum is overseen by the Inspector of Elections.

**May 11**

Final Candidate's statements must be submitted electronically in PDF format to the Elections Committee at [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com) by 4 p.m.

Elections Committee Chair or appointee reviews each Candidate statement to assure that size limitations are met. Statements are limited to both sides of a single page 8 ½ x 11 sheet of paper. If size limitations are exceeded, the candidate is notified that the statement will not be included in the election materials if not corrected by the deadline.

If any candidate wishes to remove his/her name from the election ballot, they are asked to notify the Elections Committee at [electionscommittee@tahoedonner.com](mailto:electionscommittee@tahoedonner.com) by 4 p.m. in order to avoid member confusion during the voting process and to save the Association additional printing expenses.





**May 15**

Elections Committee verifies accuracy of finalized Election Packet to be sent to the membership. Inspector of Elections reviews and approves the materials.

Tahoe Donner sponsored candidate web pages are live. Candidate web pages are also available for weekly campaign related information posting.

**May 16**

**Candidate's Meet and Greet**

Saturday, May 16, 2020

6:00 – 7:30 p.m.

Alder Creek Adventure Center

Candidates who have been formally certified as eligible to run for the Director Election will be permitted to campaign at this event. It is an informal opportunity for members to 'put a face with a name' and ask questions of the *candidates*.

If a candidate is unable to attend for any reason, copies of his/her official published candidate statement will be made available for review by the members.

Event will begin promptly at 6:00 PM. Each candidate will be introduced and recognized to deliver an opening and closing statement (order of candidate introductions as determined by ballot order drawing). Time allotted will depend on the number of candidates. The Meet and Greet will end promptly at 7:30.

**May 23**

**Candidate's Night**

Saturday, May 23, 2020

Northwoods Clubhouse – Mezzanine Room

6:00 – 9:00

The Inspector of Election will moderate Candidate's Night. Candidates who have been formally certified as eligible to run for the Director of Election will be permitted to appear on the dais or otherwise act as a candidate at this forum. If a candidate is unable to attend for any reason, his/her official published candidate statement will be read into the record by an Elections Committee member, providing the statement meets the requirements set by the Moderator.

The specific schedule and time frames will be determined and communicated after the number of eligible candidates is determined.

**May 27**

Election materials including Notice of Annual Membership Meeting, the ballot, candidate's statements and instructions for mailing and returning are mailed to all members of record as of the mailing date.



**June 6**

**Candidate's Meet and Greet**

Saturday, June 6, 2020  
Alder Creek Adventure Center  
6:00 – 7:30 p.m.

**See Notes re: participation in this event under May 16, 2020 Meet and Greet.**

**June 15**

Targeted email to non-voters. List provided by Accountancy Firm.

**June 26**

**Election Ballot Meeting & Regular Board Meeting**

Friday, June 26, 2020  
Northwoods Clubhouse – Meadow Room / Mezzanine Room  
9:00 a.m. – 5:00 p.m.

The Board of Directors convenes an Open Board Meeting for the Accountancy Firm to commence tabulation of ballots; ballots delivered in person will be accepted and replacement ballots will be available during this meeting until its adjournment at 5:00 p.m. Government or Tahoe Donner photo ID is required to submit a ballot in person. The Inspector of Election will attend this meeting to oversee the ballot counting process. At least one Elections Committee member will be in attendance as well.

Deadline for receipt of Director Election ballots mailed or personally delivered directly to the Accountancy Firm is 5:00 p.m.

**June 28**

**Annual Meeting of Members**

**Northwoods Clubhouse**

Sunday, June 28, 2020  
10:00 a.m. – 12:00 p.m.  
Voting from 10:00 a.m. – 11:30 a.m.

The Annual Membership meeting will be held from 10:00 a.m. to 12:00 p.m. Personally delivered ballots are accepted at the Annual Membership meeting from 10:00 a.m. to 11:30 a.m., at which time voting in the Director Election will conclude. Replacement ballots will be available until the conclusion of voting. Government or Tahoe Donner photo ID is required to submit a ballot in person. The Inspector of Election will attend to oversee the voting process. At least one member of the Elections Committee will be in attendance as well.

Prior to conclusion of the meeting, if a 25 percent quorum is achieved and the election results are certified by the Inspector of Elections, results (including vote count) are announced at the meeting and communicated to the membership via e-mail blast, Tahoe Donner media boards and Tahoe Donner News.



If less than 25 percent of the voting power of the Association, the quorum requirement, has submitted valid ballots, the failure to achieve a quorum will be announced (but not the vote tally), and the meeting, along with the culmination of the Election, will be adjourned to the following morning.

## **June 29**

If there is a failure to achieve the 25 percent quorum requirement, the Annual Membership meeting is reconvened on June 29 at 10:00 a.m. at the Northwoods Clubhouse for the purpose of concluding the annual Election of Directors in accordance with a reduced 15 percent quorum requirement.

As soon as the Election results are certified by the Inspector of Election, the results (including vote tally) are announced and posted at the Northwoods Clubhouse, distributed via member email blast and published in the *Tahoe Donner News*.

