

The Glenshire/Devonshire Residents' Association, Inc.

TO: Members of the Association
FROM: Board of Directors
RE: Notice of Proposed Rules—Amendment to Election Rules
DATE: March 19, 2025

The purpose of this written notice is to inform you that the Board of Directors is considering the adoption of an amendment to the Association's election rules. This notice is being given to all members in accordance with Civil Code Section 4340 *et seq.*

1. **Text of the Proposed Rule:** A copy of the proposed Amendment to Election Rules is attached.
2. **Purpose and Effect of the Proposed Rule Change:** The purpose of the proposed Amendment to Election Rules is for the Association to comply with Civil Code Section 5100 *et seq.*, which requires associations to affirmatively adopt election rules complying with new laws, and to permit electronic voting. The effect of the proposed Election Rules is to permit electronic voting in certain elections in the future, which will be a more convenient method of voting, and to update the election rules to comply with recent changes in the law, including with respect to document retention and election notices.
3. **Notice of Meeting of the Board of Directors to Consider Adoption of the Proposed Rule Change:** The Board of Directors will hold a meeting to consider the adoption of the proposed Election Rules as indicated below. The Board of Directors intends to make its decision at this meeting following consideration of any member comments.

Date: April 16, 2025

Submit Member Comments on proposed amendments via: info@glenshiredevonshire.com

Time: 5:30 pm

Place: 15726 Glenshire Dr., Truckee, CA 96161

or

meet.google.com/uup-wsk-goh OR Phone (US)+1 609-438-1384 PIN: 254 516 657#

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THE GLENSHIRE/DEVONSHIRE RESIDENTS' ASSOCIATION, INC.
Government Code §12956.1

If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Notice. After January 1, 2022, a Restrictive Covenant Modification form with procedural information for appropriate processing with the Nevada County Clerk- Recorder may be found at the following link:

[https://www.mynevadacounty.com/3438/Restrictive-Covenant-Modification-
Inform](https://www.mynevadacounty.com/3438/Restrictive-Covenant-Modification-
Inform)

THE DEVONSHIRE/GLENSHIRE RESIDENTS' ASSOCIATION, INC.
AMENDMENT TO ELECTION RULES

The Board of Directors adopted this Amendment to the Election Rules (“Amendment”) in accordance with Civil Code Section 4340 *et seq.* and Section 5105, in order to implement electronic voting.

ELECTRONIC VOTING

1.1 Use of Electronic Voting. The Association may conduct elections by electronic voting as provided for in this Amendment. The Association may utilize the Inspector(s) of Elections ("Inspector"), as specified in Section 5110, to conduct an election by electronic secret ballot, except for an election regarding regular or special assessments, as provided for in Civil Code Section 5600, *et. seq.* As used in this Amendment, “electronic secret ballot” 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 Section 5100, *et. seq.*

1.2 Method of Voting. All Members who have identified email as their preferred method of delivery for receiving notices pursuant to Civil Code Section 4041, or who otherwise identify electronic voting as their preferred method of voting, shall vote in elections provided for in this Amendment by electronic voting. Members may change their preferred method of voting from electronic secret ballot to paper secret ballot or paper secret ballot to electronic secret ballot no later than ninety (90) days before an election. Members who vote by electronic secret ballot must provide their 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 to be distributed, the Association shall send the Member a paper secret ballot.

1.3 Changing Method of Voting. If a Member’s preferred method of delivery or voting is not electronic secret ballot, or if a Member opts out of voting by electronic secret ballot, the Association shall mail a paper secret ballot to the Member.

1.4 Notice Prior to Election. The Association shall provide individual notice, delivered pursuant to Civil Code Section 4040, at least thirty (30) days before the deadline to opt out of voting by electronic secret ballot, of the following:

1.4.1 The Member’s current voting method.

1.4.2 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.

1.4.3 An explanation that the Member is required to opt out of voting by electronic secret ballot if the Member elects to vote by paper secret ballot.

1.4.4 An explanation of how a Member may opt out of voting by electronic secret ballot.

1.4.5 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.

1.5 Annual Notice. The Association shall include instructions in the Annual Policy Statement regarding how to change their preferred method of voting to electronic secret ballot or paper secret ballot.

1.6 List of Voting Preferences. The Association shall maintain a list of Members who will vote by electronic secret ballot and all Members who will vote by paper secret ballot.

1.7 Ballot Contents. Electronic secret ballots and paper secret ballots shall contain the same list of items and information being voted on. If the Association conducts an election to approve an amendment of governing documents by electronic secret ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those Members who vote by electronic secret ballot, pursuant to Civil Code Section 5105. The Association shall also deliver a paper copy of the text of the proposed amendment to those Members upon request and without charge. If a Member votes by paper secret ballot, pursuant to Civil Code Section 5105, the Association shall deliver a written copy of the text of the proposed amendment to the Member with the ballot.

1.8 Nominations from the Floor. Nominations from the floor of Membership meetings is prohibited.

1.9 Electronic Secret Ballot Delivery. Electronic secret ballots shall be by delivered by individual delivery at least thirty (30) days before the election, and must contain instructions regarding (i) how to obtain access to that internet-based voting system; and (ii) how to vote by electronic secret ballot. Electronic secret ballots may be included in an electronic individual notice sent pursuant to Civil Code Section 4040. Delivery of the individual notice may be accomplished by electronic submission to an address, location, or system designated by the Member.

1.10 Casting Electronic Secret Ballot. A vote made by electronic secret ballot is effective when it is electronically transmitted to an address, location, or system designated by the Inspector(s). A vote made by electronic secret ballot shall not be revoked.

1.11 Quorum. For purposes of determining a quorum, a Member voting electronically pursuant to this Amendment 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 the issues specifically identified in the electronic vote.

1.12 Duties Inspector(s) of Elections. The Inspector(s) shall ensure compliance with the following:

1.12.1 Each Member voting by electronic secret ballot shall be provided with the following:

1.12.1.1 A method to authenticate the Member's identity to the internet-based voting system.

1.12.1.2 A method to transmit an electronic secret ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.

1.12.1.3 A method to confirm, at least thirty (30) days before the voting deadline, that the Member's electronic device can successfully communicate with the internet-based voting system.

1.12.2 Any internet-based voting system that is utilized shall have the ability to accomplish the following:

1.12.2.1 Authenticate the Member's identity.

1.12.2.2 Authenticate the validity of each electronic secret ballot to ensure that the electronic secret ballot is not altered in transit.

1.12.2.3 Transmit a receipt from the internet-based voting system to each Member who casts an electronic secret ballot.

1.12.2.4 Permanently separate any authenticating or identifying information from the electronic secret ballot rendering it impossible to connect an election ballot to a specific Member.

1.12.2.5 Store and keep electronic secret ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.

1.13 Pre-Voting Notice Prior to Election. In addition to other information that must be included in the pre-voting notice, the notice shall contain 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. Pre-ballot notices are only required in director elections and recall elections.

1.14 Election Materials. In addition to Association election materials shall include the tally sheet of votes cast by electronic secret ballot. For one (1) year after the Member vote concluded, the Association must retain, as an Association record, Association election materials for the remainder of the current fiscal year in which it receives the documents from the Inspector.

CERTIFICATE OF ADOPTION

I hereby certify I am the Secretary of the Association, and the foregoing Amendment to Election Rules is a true copy of the Amendment approved by the Board at its meeting held on _____, 2025, at which a quorum of the Directors was present. I further certify the foregoing Election Rules are in full force and effect and the same has not been rescinded, nor has it been amended or modified.

Dated: _____, 2025

By: _____
_____, Secretary