

LA COSTA OAKS COMMUNITY ASSOCIATION

ELECTION RULES AND PROCEDURES

1. **Application of Rules:** These rules shall apply to any meeting of the membership or solicitation of membership approval by a ballot vote.
2. **Membership voting:** Pursuant to the Association's governing documents, the Association has one class of membership.
3. **Record Date:** In the absence of a specific resolution of the Board for any given election, the Record Date for determining the right to receive notice and to vote shall be the date that ballots are processed for mailing, and shall include all separate interests reflected in the Association membership list as of such Record Date. Members are responsible for providing their ballot mailing addresses to the Association in advance of each election, and may verify their individual information at any time prior to five (5) days before the Record Date. The voting period and the time at which the polls shall close for any meeting of Members shall be as specified in the solicitation materials or as determined by the Inspector of Election.
4. **Director Candidate Qualifications:** The Association's property, business and affairs shall be governed and managed by a Board of Directors composed of either five (5) or seven (7) persons, as determined by the Board of Directors pursuant to Section 7.3 of the Association's Bylaws.

Subject to Civil Code §5105, all candidates for the Board must meet the following qualifications:

- a. The candidate must be an Owner;
- b. If title to a separate interest is held by a legal entity, such entity may appoint a natural person to serve or vote on such entity's behalf by delivering evidence of an appropriate written appointment to the Association;
- c. The candidate must be current in the payment of all regular and special assessments;
- d. The candidate may not hold a joint ownership interest in the same separate interest as any other candidate or incumbent director; and
- e. If the Association is aware or becomes aware of a past criminal conviction that would, if the candidate was elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code §5806 or terminate the Association's existing fidelity bond coverage, the candidate shall be disqualified.

5. **Director Requirements:** To remain qualified to serve on the Board of Directors, a Director who has been elected to the Board of Directors must (a) be an Owner, and (b) be current in the payment of all regular and special assessments.
6. **Nominations:** Nomination for election to the Board may be made from any qualified Member. Any Member may nominate himself or herself as a candidate. Every qualified Member returning a candidacy form by the deadline established in any candidate solicitation shall be included on the ballot and in any associated solicitation materials.
7. **Delegate Election Qualifications:** In order to be eligible to serve as a Delegate, a candidate must be a member of the Association. For those Delegate Districts from which the Members fail to elect a Delegate, the Board of Directors may appoint a Delegate for such Delegate District in accordance with Section 5.4 of the Bylaws.
8. **Delegate District Meeting Ballot Distribution:** A ballot for a Delegate District Meeting shall be distributed to every Member who is a Member as of any record date established by the Board. The Association shall not deny a ballot to a person with general power of attorney for a Member. A ballot submitted by a person with general power of attorney for a Member, if valid and returned by the appropriate deadline, shall be counted by the Association.
9. **Solicitation materials:** Every Candidate and Member shall have equal access to the Association mailings, newsletters, and website during a campaign, if any such access is provided, for the publication of viewpoints reasonably related to any issue presented for membership vote.
 - a. **Content:** The Association does not edit or redact any content provided by a Candidate or Member. The Candidate or Member creating such content, and not the Association, is responsible for any published statement.
 - b. **Limitation on Publication Space Made Available:** So long as each Candidate and/or Member is provided the same opportunities for publication, the Association may restrict the availability of any publication by limiting the printing space made available or the number of words that will be included from each Candidate or Member included in the publication. In the absence of more restrictive limitations adopted by the Board for any particular matter, each Candidate and/or Member shall be limited to no more than 200 words for any one publication. The Board may, in its sole discretion, present a candidacy questionnaire with questions for all interested Candidates and/or Members to complete. If such a questionnaire is provided, then the Association will only print the answers to such questions and may impose a limitation upon the number of words for the response to any question presented.
10. **Proxies:** The Association will not distribute proxies; however, every member entitled to cast a vote at a meeting of the members shall be entitled to vote either in person, or by

proxy. In order to be valid, proxies must satisfy the requirements of California Civil Code Section 5130. The granting of a proxy shall not authorize the retrieval of any ballot previously cast. Ballots, once cast, are final and irrevocable.

11. Availability of Meeting Space: Access to common area meeting space shall be made equally available, at no cost, to all Candidates and/or Members desiring to use such space for any reason reasonably related to a membership vote. The Association may meet the requirements of this section by hosting a “Meet the Candidates Night” or other such Member meeting, so long as every Candidate and/or Member is provided with an equal opportunity to participate in the event.

12. Selection of Inspector(s) of Election: Prior to the presentation of any issue to the Members for a membership vote, the Board may appoint one (1) or three (3) Inspector(s) of Election. In the absence of a specific appointment by the Board, or in the event that an appointed Inspector is unable or unwilling to serve, then the Members in attendance at any duly held meeting of the Members at which a quorum is present may elect an Inspector or Inspectors to serve.

An Inspector may be any person or entity other than: (1) a Director; (2) a Candidate; (3) a Director’s relations; or (4) a Candidate’s relations. Any Inspector of Election must be an independent third party. An independent third party may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the Association for any compensable services other than serving as an Inspector of Election.

The Inspector of Election may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector of Election deems appropriate, provided that the additional persons satisfy the eligibility requirements for service as an Inspector of Election.

In the absence of a more specific determination by the Inspector(s) of Election, the Association’s management company shall retain the candidate registration list, voter list, ballots, signed voter envelopes, and any proxies (the “Election Materials”) for a period of three years following the election.

An inspector of elections shall perform all duties impartially, in good faith, to the best of the Inspector of Election’s ability, as expeditiously as practical, and in a manner that protects the interest of all Members of the Association.

13. Meeting Conduct: Any counting of ballots shall be done at an open meeting of the membership or the Board of Directors. Any Candidate or Member may observe the count, but shall stand at least five feet away from the Inspector(s). No person may harass, cajole or otherwise interfere with the Inspector(s) of Election while the count is taking place. Persons not specifically authorized to do so may not touch any secret ballot or other election materials. All association election materials will be made available for inspection by any Candidate or Member during regular business hours at the Association’s management office once the meeting is concluded. Any person violating this section may be

asked by the Inspector or the meeting chair to leave the meeting to prevent further disruption.

- 14. Meetings of Delegates:** Voting by Delegates is not subject to the procedures for voting by Members at meetings of Delegate Districts; rather, such voting shall be conducted in accordance with the CC&Rs and Bylaws.