

LA CRESTA PROPERTY OWNERS' ASSOCIATION

ELECTION RULES AND PROCEDURES

1. All candidates or members advocating a point of view shall have equal access to Association media, newsletters, and websites during a campaign for purposes reasonably related to that election. The Association will not edit or redact any content from these communications; however, the Association may include a statement specifying that the candidate or member, as applicable, and not the Association, is solely responsible for the content of the communication, and that the Association was required by law to publish the communication verbatim, regardless of content.
2. All candidates or members advocating a point of view will have equal access, at no cost, to any common area meeting space during a campaign for purposes reasonably related to the election.
3. Pursuant to the Association's Bylaws, directors are not required to be property owners in La Cresta.
4. Owners who satisfy the eligibility requirements for election to the Board of Directors may become candidates by (a) submitting a "Declaration of Candidacy" form (available from the management company), or (b) being nominated from the floor at the annual meeting (self-nominations from the floor are permitted). The candidate solicitation notices will include a deadline for return of the Declaration of Candidacy form to the Association. Only persons who have timely submitted a Declaration of Candidacy Form or who have been nominated from the floor at the member meeting can be elected.
5. Record dates for determining members entitled to receive notice of the meeting and for determining members entitled to vote at the meeting shall be established in accordance with Corporations Code Section 7611.
6. Each member of record whose voting rights have not been suspended by the Board of Directors is entitled to vote. Each membership is entitled to one (1) vote on each issue being voted on (except election of directors, in which case each membership is entitled to one (1) vote for each position on the board to be filled at the election).
7. In light of statutory voting requirements allowing members to "vote by mail," the Association will not distribute proxies. Members may create their own proxies, which must satisfy the requirements of Civil Code Section 1363.03(d) and Corporations Code Section 5069. However, members are encouraged to "vote by mail." If a proxy is submitted to the inspector(s) of election or brought to a meeting, in order to be counted the proxy must (a) identify a proxyholder (who must physically attend the meeting for which the proxy is being exercised), (b) contain voting instructions, and (c) be signed by the member giving the proxy. A proxy that

does not satisfy these requirements will not be counted. Any instruction given in a proxy issued for an election that directs the manner in which the proxyholder is to cast the vote must be set forth on a separate page of the proxy that can be detached and given to the proxyholder to retain. The proxyholder must cast the member's vote by secret ballot; however, the inspector(s) of election shall witness the proxyholder's completion of the ballot to verify that it is completed pursuant to the detached voting instructions.

8. The voting period for member meetings shall commence when the first ballot is mailed or delivered to a member of the Association, and shall end at such time after commencement of the member meeting as the inspector(s) of election determine the polls close. If quorum is not achieved, ballots may be submitted until the inspector(s) of election close the voting period at a reconvened meeting.

9. At a meeting held prior to the distribution of election materials, the Association's board of directors shall select either one (1) or three (3) independent third parties, in its discretion, to serve as inspector(s) of election. An "independent third party" who serves as inspector of election may include, but is not limited to, (a) a volunteer poll worker with the county registrar of voters, (b) a licensee of the California Board of Accountancy, (c) a notary public, (d) a member of the Association who is neither a director, a candidate for election as director, nor related to a director or candidate for election as director, (e) a person who is currently employed by or under contract to the Association for compensable services, including but not limited to the Association's management agent, accountant, or counsel.

10. The inspector(s) of election shall perform the following duties:

- (a) Determine the number of memberships entitled to vote and the voting power of each as set forth in the membership register provided by the management agent;
- (b) Determine the authenticity, validity, and effect of proxies, if any;
- (c) Receive ballots;
- (d) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
- (e) Count and tabulate all votes;
- (f) Determine when the polls shall close;
- (g) Determine the result of the election; and
- (h) Perform any acts as may be proper to conduct the election with fairness to all members in accordance with Civil Code Section 1363.03 and these Rules.

11. An inspector of election shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical. If there are three (3) inspectors of election, then 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(s) of election is prima facie evidence of the facts stated in the report.

12. Elections shall be conducted in accordance with the following procedures:

(a) Ballots and two preaddressed envelopes with instructions on how to return ballots substantially in the form of Exhibit "A" attached hereto and incorporated herein by this reference shall be delivered or mailed by first-class mail to every member not less than thirty (30) days prior to the deadline for voting (a member may not be identified by name, address, lot, parcel, or unit number on the ballot);

(b) Ballots are *not* to be signed by the voter;

(c) Completed ballots must be placed into an inner envelope that has no identifying information (*e.g.*, no member name, no property address, no signature, etc.) on it, and the inner envelope is then sealed by the member;

(d) The inner envelope is then inserted into the outer envelope that is preaddressed to the inspector(s) of election and then sealed by the member;

(e) In the upper left hand corner of the outer envelope, the member *must* print his name and the address of the property in the community that entitles the member to vote in the Association's election, and then the member (who must be on title) *must* sign his or her name in the upper left hand corner of the outer envelope. Ballots received in improperly completed envelopes (*e.g.*, not signed) will *not* be counted;

(f) The envelope must be mailed or delivered by hand to the inspector(s) of election, or to a location designated by the inspector(s) of election (*e.g.*, management company) and the member may request a receipt for delivery;

(g) All properly returned envelopes deemed valid by the inspector(s) of election shall be opened and votes counted and tabulated by the inspector(s) of election in public at a properly noticed open meeting of the Association's board of directors or members; envelopes deemed invalid by the inspector(s) of election shall remain sealed;

(h) If the meeting of members is adjourned due to failure to satisfy quorum requirements, then envelopes containing ballots shall remain sealed and in the custody of the inspector(s) of election for use at such time as quorum requirements are satisfied at a reconvened meeting of the members.

(i) Any candidate or other Association member may witness the counting and tabulation of the votes;

(j) No person, including any Association member or management company employee, may open an envelope or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated;

(k) The inspector(s) of election shall promptly report the election results to the Association's board of directors, and such results shall be (i) recorded in the minutes of the next meeting of the board of directors, (ii) available for review by the Association's members, and (iii) publicized within fifteen (15) days of the election in a communication directed to all members;

(l) The sealed ballots shall at all times be in the custody of the inspector(s) of election or at a location designated by the inspector(s) of election until after tabulation of the vote, at which time custody shall be transferred to the Association;

(m) After tabulation, the Association shall store ballots in a secure place for no less than one (1) year after the date of the election;

(n) In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots and sealed envelopes deemed invalid by the inspector(s) of election available for inspection and review by members or their authorized representatives.

13. Association funds may not be used for campaign purposes in connection with any Association election except to the extent necessary to comply with duties of the Association imposed by law. As used in this paragraph, "campaign purposes" includes, but is not limited to, (a) expressly advocating the election or defeat of any candidate on an Association ballot, and (b) including the photograph or prominently featuring the name of any candidate on a communication from the Association or its board of directors (other than the ballot and ballot materials) within thirty (30) days of an election. "Campaign purposes" does not include communication for which equal access is required to be provided pursuant to Paragraphs 1 and 2 above.

EXHIBIT "A"

INSTRUCTIONS FOR LA CRESTA PROPERTY OWNERS' ASSOCIATION
MEMBERS

HOW TO RETURN YOUR BALLOT

1. Place your voted ballot in the plain envelope and seal the envelope. Place the sealed plain envelope in the preaddressed envelope. **Do not write your name or any other identifying information on the ballot or the plain envelope.**
2. **Record owner must COMPLETE the upper left-hand corner on the preaddressed envelope by PRINTING your name and the address of the property in La Cresta that entitles you to vote in Association elections, and then sign the preaddressed envelope. IF YOU FAIL TO PRINT YOUR NAME AND PROPERTY ADDRESS AND SIGN THE PREADDRESS ENVELOPE YOUR BALLOT WILL NOT BE COUNTED.** Be sure to supply ALL of the information on the preaddressed envelope, INCLUDING THE ADDRESS OF THE PROPERTY THAT ENTITLES YOU TO VOTE IN ASSOCIATION ELECTIONS. DO NOT USE A RETURN ADDRESS LABEL.

YOUR BALLOT WILL REMAIN SECRET. Therefore, *it is important not to sign or initial the ballot.* If you lose the preaddressed return envelope that was sent to you, or need specific information on how to obtain a second ballot because the original ballot is spoiled, damaged or marked erroneously, please call us at (951) 296-5640. **We will provide instructions on how to write a request for a second ballot.**

3. To return your ballot by mail, it must be mailed or delivered by you in sufficient time to reach the Inspector(s) of Election office **on the day before the Election.** **Postmarks do not count.** Ballots may not be returned via facsimile or e-mail.
4. If you prefer, you may return your ballot in person to the Inspector(s) of Election at the meeting prior to the time the Inspector(s) of Election announce the polls to be closed.

La Cresta Property Owners' Association
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Adopted June 20, 2006