

# LA CRESTA PROPERTY OWNERS' ASSOCIATION

## ELECTION RULES AND PROCEDURES

Adopted June 5, 2025

1. **Application of Rules:** These rules shall apply to any meeting of the membership or solicitation of membership approval by a ballot vote (i) regarding matters specified in California Civil Code Section 5100(a), and (ii) any other matter unless the Association's Board of Directors has elected to conduct such vote or solicit such member approval for such other matter in accordance with California Corporations Code Section 7513, in which case the provisions of (A) Corporations Code Section 7513, (B) the Association's Bylaws, and (C) other applicable provisions of the California Corporations Code will apply to the exclusion of these Election Rules and Procedures. The Election Rules contained herein are intended to be in compliance with Civil Code Section 5100 et seq., and should be interpreted as such.
2. **Membership Voting:** Pursuant to the Association's governing documents, every person who acquired title, legal or equitable, to any lot in the Development shall become a Member of the Association. Each owner shall be entitled to cast one (1) vote for each lot owned. When more than one (1) Person owns any lot, all of those Persons are Members. The vote of such lot shall be exercised as they among themselves determine in accordance with the Governing Documents, but in no event shall more than one (1) vote be cast for any lot.
3. **Record Dates:** In the absence of a specific resolution of the Board for any given election, the record date for determining the right of a Member to receive notice and to vote shall be the date that ballots are distributed, and shall include all separate interests reflected in the Association membership list as of such record date. Members may verify and update their individual information contained in the Association's records anytime up to the date ballots are distributed, and are encouraged to review their personal information by the deadline set for submitting nominations of candidates to ensure Members review their personal information at least thirty (30) days before the ballots are mailed. The voter list shall include for each separate interest: (1) name; (2) voting power; (3) the separate interest address, parcel number or both; and (4) the mailing address, if different. The voting period shall start when ballots are distributed and shall close when the ballots are counted. The polls shall close for any Member vote as specified in the ballot materials or as determined by the Inspector(s) of Election at any Member meeting.
4. **Candidate Qualifications:** The affairs of the Association shall be governed and managed by a Board of Directors composed of five (5) Persons. The Directors shall be elected to serve a term of two (2) years. The Directors will be elected at the annual lot owners meeting. Three (3) Directors shall be elected in the odd numbered years and two (2) shall be elected in the even numbered years.

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

- a. The Candidate must be an Owner. 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;
- b. The Candidate must be current in the payment of all regular and special assessments. For the purposes of these election rules, "current" means no regular or special assessment is past due by more than thirty (30) days, or such period of time as is specifically defined in the Association's collection policy;



9. **Proxies:** Every person entitled to vote or execute consents shall have the right to do so either in person or by one or more agents authorized by written proxy executed by such persons or his duly authorized agent and filed with the Secretary of the Association.

- a. In order to be valid, proxy forms must satisfy the requirements of California Civil Code Section 5130 and be issued directly to the Member giving the proxy by the Inspector of Election. Each proxy form is unique to a specific Member and Lot and may not be transferred. The Inspector of Election determines whether a proxy form is valid.
- b. Proxy forms must name one or more proxyholders who is an/are Association Member(s).
- c. Proxy forms may not be altered after completion by the Member giving the proxy. Proxy holders may not alter a completed proxy form in any way or delegate the proxy to a third party.
- d. If the Member giving the proxy is a corporate entity, the entity must provide written documentation acceptable to the Association identifying the person who has authority to give the proxy. If this documentation is not already on file with the Association it must be provided with the completed proxy form.
- e. Unless the Inspector of Election designates a different deadline, completed proxies must be delivered to the Inspector of Election no later than five (5) business day prior to the date of the election.
- f. The granting of a proxy shall not authorize the retrieval of any ballot previously cast. Ballots, once cast, are final and irrevocable.

10. **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 special meeting, so long as every Candidate and/or Member is provided with an equal opportunity to participate in the event.

11. **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.

Any Inspector(s) 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(s) of Election. An Inspector may not be: (1) a Director; (2) a Candidate; (3) a Director’s relations; or (4) a Candidate’s relations.

The Inspector(s) of Election may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector(s) of Election deem 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 prepare and retain the association election materials (i.e., the candidate registration list, voter list, ballots, signed voter envelopes, and any proxies) for a period

of three (3) years following any election. Inspector(s) of Election shall perform all duties impartially, in good faith, to the best of their ability, as expeditiously as practical, and in a manner that protects the interest of all Members of the Association.

- 12. 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) of Election. 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 ballots 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(s) of Election or the meeting chair to leave the meeting to prevent further disruption.
- 13. Electronic Voting:** Voting by electronic secret ballot is permitted only if previously authorized by the Board of Directors for a specific election. Electronic voting may be authorized by the Board for all types of elections except those concerning regular or special assessments. In accordance with California law, electronic secret ballots may only be cast directly by the Member, not by a proxyholder.

Voting by electronic secret ballot is the default preference for all Members. Members who do not wish to vote by electronic secret ballot (including those who wish to designate a proxyholder) must change their preferred method of voting to written ballot no later than 90 days before an election. An electronic secret ballot and a written ballot shall contain the same list of items being voted on. The Association shall mail a written secret ballot only to a Member who has opted out of voting by electronic secret ballot or for whom the Association does not have an email address required to vote by electronic secret ballot.

The Association shall maintain a voting list identifying which members will vote by electronic secret ballot and which members will vote by written secret ballot. The Association shall include information on the procedures to opt out of voting by electronic secret ballot in the annual statement prepared pursuant to Civil Code section 5310.

Members voting by electronic secret ballot are required to provide the Association with a valid email address. The Inspector of Election has discretion to determine the process used to authenticate the identity of the Member casting an electronic ballot.

**LA CRESTA PROPERTY OWNERS' ASSOCIATION**  
**Revocable Proxy**

ID NUMBER

**This proxy form is not valid unless it has been issued directly to the below-named property owner by the Inspector of Elections and contains a unique number as provided at the top of this page. This Proxy is a TWO-page document. Do not sign this document unless it is two separate pages and the voting instructions page is attached. This proxy form may not be altered in any way or it will be void.**

\_\_\_\_\_  
Print Property Owner Name

\_\_\_\_\_  
Property Address or APN

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date Signed

The above-signed member of the La Cresta Property Owners' Association (LCPOA) hereby revokes all previous proxies and acknowledges receipt of the notice of the Annual Meeting to be held on \_\_\_\_\_, or any adjournment thereof, to vote on the election of the Board of Directors, and appoints as proxy holder:

PROXY HOLDER NAME: \_\_\_\_\_  
(Must be a member of LCPOA)

This proxy gives the proxy holder the power to represent the member at the referenced annual meeting in accordance with the voting instructions shown below and provided on the accompanying page [**CHOOSE ONE OPTION ONLY**]:

This proxy is for quorum purposes only. If this option is selected, do not mark any instructions on the separate voting instructions page. Owner Signature \_\_\_\_\_

OR

Proxy holder may vote as he/she deems proper. If this option is selected, do not mark any instructions on the separate voting instructions page. Owner Signature \_\_\_\_\_

OR

Proxy holder to cast votes as instructed on the separate voting page. If this option is selected, mark instructions on the separate voting page. Owner Signature \_\_\_\_\_

1. This proxy supersedes all proxies previously issued by the property owner and applies only to the address or APN provided above.
2. The property owner may revoke this proxy by doing one of the following prior to receipt of the ballot by the Inspector of Election: a) Informing LCPOA in writing that this proxy is revoked; b) Executing a new proxy delivered at the meeting; or Attending the meeting and votes in person.
3. **LEGAL OWNER OF THE PROPERTY MUST SIGN AND DATE ABOVE. TO THE EXTENT THAT LEGAL OWNERSHIP IS IN THE NAME OF AN ENTITY, SUPPORTING DOCUMENTATION OF AUTHORIZED SIGNATURE MUST BE PROVIDED WITH THIS PROXY OR ON FILE WITH LCPOA.**

The following general instructions apply to this proxy:

1. **No LCPOA member has any obligation to give a proxy to anyone.** Member voting by secret ballot is both effective and secure, and eliminates any question that the vote is recorded as intended by the member.
2. Proxies are not confidential. While the vote cast by the proxy holder is done by secret ballot (and, therefore, confidential), that fact that a proxy was given, the name of the proxy giver, and the name of the proxy holder are all available for inspection by any LCPOA member eligible to vote.
3. Proxies are legally binding for the limited purpose of the election described and should be given only to someone trusted by the proxy giver to vote consistent with the proxy giver's interest.

Once this proxy has been validated at the meeting, the voting instructions page will be detached by the Inspector of Election and given to the proxy holder to cast your vote by secret ballot as directed. Incomplete or conflicting voting instructions may result in this proxy being used for quorum purposes only, as determined by the inspector. This proxy is invalid after completion of the above-noticed meeting or its adjournment.

**IT IS YOUR DECISION AS A PROPERTY OWNER TO TRUST THAT THE PROXY HOLDER WILL CAST YOUR VOTE AS YOU DESIGNATE. THE PROXY HOLDER VOTES BY SECRET BALLOT, SO YOU WILL NOT BE ABLE TO CONFIRM THAT YOUR VOTE WAS CAST AS YOU INSTRUCTED.**

**VOTING INSTRUCTIONS FOR PROXY HOLDER  
FOR 3rd BOX ON PREVIOUS PAGE**

**Proxy holder to cast votes on the Secret Ballot as instructed below:**

VOTING INSTRUCTION FOR THE ELECTION OF THE BOARD – 3 TOTAL VOTES

3 Total Votes - You may cumulate (combine) all 3 votes to 1 candidate, cast 1 vote each for any 3 different candidates, or in a combination which totals 3. Fractional voting is not permitted. Ballots with more than 3 total votes will be void. Mark votes with whole numbers.

\_\_\_\_\_ Candidate 1  
\_\_\_\_\_ Candidate 2  
\_\_\_\_\_ Candidate 3  
\_\_\_\_\_ Candidate 4  
\_\_\_\_\_ Candidate 5  
3      TOTAL VOTES

\* Denotes an incumbent candidate