CITYSCAPE HOMEOWNERS ASSOCIATION
ELECTION RULES

The following rules and procedures are enacted in compliance with California Civil Code § 5100, et. seq. as amended and in effect on January 1, 2020.

1. Equal Access. If any candidate or Member advocating a point of view is provided access to Association media, newsletters, or internet websites during a campaign for purposes that are reasonably related to that election, the Association shall provide equal access to all candidates and Members advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election. The Association shall not edit or redact any content from these communications but may include a statement specifying that the candidate or Member, and not the Association, is responsible for that content.

2. Common Area. The Association shall ensure access to the Common Area meeting space during a campaign, at no cost, to all candidates, including those who are not incumbents, and to all Members advocating a point of view, including those not endorsed by the Board, for purposes reasonably related to the election. (Civil Code § 5105(a)(2)).

3. Inspectors of Election. One or three independent third parties shall be selected by the Board or management to serve as independent inspectors of each election. (Civil Code § 5110(a)).

3.1. For purposes of this section, an independent third party includes, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensee of the California Board of accountancy, or a notary public. An independent third party may be a Member, but may not be a Director or a candidate for Director, nor be related to a Director or a candidate for Director.

3.2. 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 elections.

3.3. The inspector(s) of election shall do all of the following:

3.3.1. Determine the number of Memberships entitled to vote and the voting power of each.

3.3.2. Determine the authenticity, validity and effect of proxies, if any.

3.3.3. Receive ballots.

3.3.4. Hear and determine all challenges and questions in any way arising out of or in connection to the right to vote.

3.3.5. Count and tabulate all votes.

3.3.6. Determine when the polls shall close, consistent with the governing documents.

3.3.7. Determine the tabulated results of the election.

3.3.8. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with Civil Code § 5100 et. seq., the Corporations Code and all applicable rules of the Association regarding the conduct of the election that are not in conflict with Civil Code § 5100 et. seq.

3.4. The inspector(s) of elections shall perform all duties impartially, in good faith, to the best of the inspector of election's ability, as expeditiously as is practical, and in a manner that protects the interest of all Members of the Association.

3.5. If there are three (3) inspectors of elections, the decision or act of a majority shall be effective as the decision or act of all.

3.6. Any report made by the inspector(s) of elections is prima facie evidence of the facts stated in the report.

3.7. The inspector(s) of elections may appoint and oversee additional persons to verify signatures and count and tabulate votes as deemed appropriate. Additional persons must also be independent third parties.

4. Proxies. Proxies are governed by Article III, Section 3.05 of the Bylaws.

4.1. At all Member meetings, Members may vote in person or by proxy with the same effect.

4.2. All proxies shall be in writing, signed and filed with the Secretary and/or the managing agent of the Association before the appointed time of each meeting. A proxy shall be deemed signed if the Member's name is placed on the proxy (whether by manual signature, typewriting, telegraphic transmission or otherwise) by the Member or the Member's attorney in fact.

4.3. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his Unit, or upon receipt of notice by the Secretary and/or managing agent of the Association of the death or judicially declared incompetence of a Member, or upon the expiration of eleven (11) months from and after the date of its execution, unless the Member executing it specifies therein the length of time for which the proxy is to continue in force, which in no case may exceed three (3) years from and after the date of its execution.

4.4. A proxy shall identify the person or persons authorized to exercise the proxy and the length of time it will be valid.

5. Qualifications of Candidates. Qualifications for candidates to the Board of Directors are set forth in Article IV, Section 4.01 of the Bylaws.

5.1. Candidates must be Members of the Association. Legal entities other than natural persons may appoint a person to serve as Member for purposes of serving on the Board of Directors.

5.2. Members may not be disqualified from nomination unless they have been provided the opportunity to engage in internal dispute resolution ("IDR") pursuant to Civil Code § 5900 et. seq.

6. Nomination. Nominations to the Board of Directors are governing by Article IV, Section 4.03 of the Bylaws. Prior to the election of directors, the Board may, by written notice to all Members, solicit nominees. The notice shall include the director qualifications and a cutoff date and time for close of nominations. Nominees may be listed as candidates on the ballot provided (i) they meet the director qualifications of Section 5 hereof, and (ii) their nomination is made prior to the date and time set for the close of nominations. Nominations may also be made by a nominating committee. Nominations from the floor of a meeting are permitted. Members may nominate themselves for candidacy.

7. Qualifications for Voting. The qualifications for voting are found in the Bylaws in Article II, Sections 2.2 and 2.4 of the Declaration.

7.1. Members shall be all Owners and shall be entitled to one (1) vote for each Unit owned.

7.2. Cumulative voting is permitted in accordance with Article IV, Section 4.04 of the Bylaws. Election to the Board shall be by cumulative voting whenever more than one Board position is to be filled.

7.3. When more than one person holds an interest in any Unit, all such persons shall be Members, and the vote for such Unit shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Unit.

7.3 A person who holds a valid general power of attorney for a Member shall be provided a ballot upon request and the ballot shall be counted so long as it is returned in a timely manner.

8. Candidate Registration List; Voter List. The Association must maintain and retain a candidate registration list and voter list. The voter list shall include the name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used. The Association shall permit Members to verify the accuracy of their individual information on both lists at least thirty (30) days before the ballots are distributed. The Association or Member shall report any errors or omissions to either list to the inspector(s) who shall make the corrections within two (2) business days.

9. Election Procedures. The following procedures shall be followed for all elections.

9.1. At least thirty (30) days prior to the close of nominations, the Association shall provide general notice to the Members of the procedure and deadline for submitting a nomination. If requested by a Member, the Association shall provide individual notice.

9.2. At least thirty (30) days before ballots are distributed, the Association shall provide general notice to the Members of the following:

9.2.1. The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspectors of elections.

9.2.2. The date, time and location of the meeting at which ballots will be counted.

9.2.3. The list of all candidates' names that will appear on the ballot.

9.2.4. If individual notice is requested by a Member, then the notice of the above items shall be provided by individual notice.

9.3. Not less than thirty (30) days before the deadline for voting, ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the Association to every Member. In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel, or unit number on the ballot. 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:

9.3.1. The ballot itself is not signed by the voter, but it is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left-hand corner of the second envelope, the voter shall sign the voter's name, indicate the voter's name, and indicate the address or separate interest identifier that entitles the voter to vote.

9.3.2. The second envelope is addressed to the inspector(s) of elections who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector(s) of elections. The Member may request a receipt for delivery.

9.4. Except for the meeting held to count the votes, an election may be held entirely by mail.

9.5. In an election to approve an amendment of the governing documents, the text of the proposed amendment shall be delivered to the Members with the ballot.

9.6. The sealed ballots, signed voter envelopes, voter list, proxies and candidate registration list shall at all times be in the custody of the inspector(s) of elections, or at a location designated by the inspector(s) of elections, until after the tabulation of the vote and until after the time for challenging the election allowed by Civil Code § 5145 has expired, at which time custody shall be transferred to the Association. If there is a recount or other challenge to the election process, the inspector(s) of election shall, upon written request, make the ballots available for

inspection and review by a Member or the Member's authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

10. Voting Period. The voting period for an election shall be as follows:

10.1. Polls open and the voting period begins when ballots are mailed or otherwise delivered to the Members.

10.2. Polls close upon approval of the Members present at a meeting, or, if no meeting is held then at the time established and announced by the Board of Directors.

11. Conflict. Any conflict between these Rules, the Bylaws, the Declaration, and the law shall be resolved pursuant to Civil Code § 4205.

These election rules are promulgated in accordance with Civil Code § 5100 et. al. The Cityscape Homeowners Association adopts these Election Rules with respect to Membership votes regarding assessments, election of Directors, amending the governing documents and the grant of exclusive use of the Common Area. References are also made to the "Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Cityscape" (the "Declaration") recorded as Document No. 2006-0779131 in the San Diego County Recorder's Office on November 1, 2006, and the Bylaws of Cityscape Homeowners Association as they may be amended. All definitions shall be those set forth in the Declaration and references to the representative of the Association's management company shall be as "managing agent."