

**CORONADO SHORES CONDOMINIUM ASSOCIATION NO. 4**

A California Non-Profit Mutual Benefit Corporation

**ELECTION RULES**

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Enclosures: Exhibit A – Nominations for Las Flores Tower  
Exhibit B – Envelope #1 (Inner Envelope)  
Exhibit C – Envelope #2 – Options 1 and 2 (Outer Envelope)  
Exhibit D – Envelope #3 – Proxy, if needed (on Outer Envelope)  
Exhibit E – Facsimile Cover Sheet

**1.0. Introduction.**

The Coronado Shores Condominium Association ("Association"), by and through the Board of Directors (the "Board"), has adopted the following rules, policies, and procedures ("Election Rules") for conducting the Association's voting and election processes.

The following Election Rules apply to all matters of the Association that are subject to a membership voting requirement by secret ballot pursuant to Civil Code Section 5100 et. seq. This includes the election or removal of members of the Association's Board of Directors, amendments to certain of the Association's governing documents, assessment increases that exceed the authority of the Board of Directors, and the granting of exclusive use of common area property pursuant to Civil Code Section 4600.

These Election Rules do not contain all of the information that may apply to your rights and responsibilities in the matters that require you to vote. The Association's Bylaws contain additional provisions and should also be reviewed by you, along with these Election Rules, in order to ensure a better understanding of these matters. In addition, the Association's CC&Rs contain provisions as to membership rights and may contain other terms applicable to elections. Finally, there are statutory provisions which are applicable to association elections contained in the California Civil and Corporations Code.

**2.0. General Information.**

1. **GENERAL:** These rules, policies and procedures shall apply to all items legally requiring a vote of the membership required by **Civil Code § 5105**, and any amendments thereto, including but not limited to, elections of directors, all votes to remove one or more directors, all votes on assessments that require owner approval, amendments of the governing documents, grants of exclusive use of common areas, and such other votes the Board determines should be conducted by secret ballot.

2. **APPLICABLE LAWS:** All elections and ballots-by-mail shall be conducted in

accordance with applicable laws and these rules.

3. **INSPECTORS OF ELECTION:** Approximately 120 days prior to the annual meeting of members, or approximately 60 days prior to the anticipated deadline for mailing ballots for amendments to the Association's governing documents, votes on assessments, and votes to grant exclusive use of common areas to one or more members, the Board of Directors will appoint three Inspectors of Election to oversee and certify the results of the voting. Inspectors of Election may not be Board members or the candidates for election or related to or reside with Board members or the candidates for election. A maximum of one of the three Inspectors of Election may be an employee of the Association or Association's management company or may be the Association's certified public accountant or its attorney. At least one Inspector of Election shall be a member of the association, although all three Inspectors of Election may be members of the Association if so appointed by the Board of Directors. If not members of the Association, Inspectors of Election may be compensated for their services. Members of the Association and employees shall not be compensated for serving as Inspectors of Election.

4. **DUTIES OF INSPECTORS OF ELECTION:** The Inspectors of Election shall be responsible to:

- a. Determine the number of members entitled to vote and the voting power of each;
- b. Determine the authenticity, validity and effect of proxies, if any;
- c. Receive the ballots and determine the location to which all ballots are to be returned;
- d. Hear and determine all challenges and questions to the balloting or election;
- e. Count and tabulate all ballots;
- f. Determine when the polls shall close;
- g. Determine the results of the election or balloting;
- h. Report the results of the election or balloting to the Board of Directors within 10 days of the date the polls shall close;
- i. Perform such other acts as may be necessary to conduct the election or balloting in fairness to all members and in accordance with all rules of the association.

5. **CANDIDATE QUALIFICATION:** The Association's bylaws specify that the affairs of the Association shall be managed and its duties and obligations performed by a Board of five (5) Directors, each of whom shall be Members of the Association and not a convicted felon. Where a Member is a corporation, partnership, trust or some other entity, which is not a natural person, any officer, director, principal or duly authorized agent of such Member shall be qualified to serve as a Director.

6. **NOMINATIONS:** Any Member may nominate a qualified member or themselves for a position on the Board. The nomination must be in writing to the Inspectors of Election, Manager or Nominating Committee by the date indicated on the form attached as Exhibit A. The nomination shall include a statement from the individual nominated that they are qualified as required by the bylaws and these rules and if elected will serve for the term elected. If at the closing of the nomination period there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board of Directors may, after voting to do so, seat the qualified candidates by acclamation without balloting.



7. **NOMINEE MAILING:** Upon the written request of any nominee for election to the Board and the payment of the reasonable costs of mailing (including postage), the Association shall, within ten (10) business days after such request (provided payment has been made), mail to all Members, or such portion of them as the nominee may reasonably specify, any material which the nominee may furnish and which is reasonably related to the election, unless the Association, within five (5) business days after the request permits the nominee, at the Association's option, to have a copy of a list of the names and addresses of all the Members, or the right to inspect and copy such list.

8. **CAMPAIGN EQUAL ACCESS:** As provided in Section 6.2 of the Bylaws, the Association may not refuse to publish or mail material, which is otherwise required by law or these rules to be published or mailed on behalf of any nominee, on the basis of the content of such material. Neither the Association nor its agents, Officers, Directors, or employees may be held criminally liable, liable for any negligence (active or passive) or otherwise liable for damages to any person on account of any material which is supplied by a nominee for Director and which it mails or publishes pursuant to law or the Bylaws, but the nominee, on whose behalf such material was published, shall be liable and shall indemnify and hold the Association, its agents, Officers, Directors and employees harmless from all demands, costs, including reasonable legal fees and expenses, claims, damages and causes of action arising out of such material or any such mailing or publication. Nothing in these rules shall prevent the Association or any of its agents from seeking a court order relieving the Association from its obligations on the ground that the material will expose the moving party to liability.

9. **ASSOCIATION FUNDS:** No Association funds may be expended to support a nominee for Director. However, the Association may use its funds as needed to carry out the tasks necessary to conduct the election and to mail out or distribute materials of the candidates, so long as each candidate is given the same opportunity and on the same terms as all other candidates.

10. **CANDIDATE COMMUNICATION:** The Association will publish a request for candidates in the Association's newsletter, posted notice, e-mail or first-class mail approximately 150 days prior to the date of the annual meeting. All members desiring to run for a position on the Board of Directors must complete the Candidate's Qualification Form and return the completed form to the designated person(s) on or before the deadline date noted on the form or accompanying materials. Members failing to submit a Candidate's Qualification Form and any candidate materials by the deadline date will not have their names placed on the ballot nor have any candidate materials mailed out with the ballot.

11. **CANDIDATE FORUM:** In each election of Directors, the Board will hold a candidate's forum in the Clubhouse between 15 - 30 days prior to the election where members will be provided an opportunity to meet and ask questions of the candidates. All candidates standing for election will be invited to attend the forum. Attendance by the candidates is optional.

12. **CANDIDATE'S QUALIFICATION FORM:** The Candidate's Qualification Form submitted by each candidate will be posted on the Association's web site approximately 90 days prior to the annual meeting of members. The Association will not edit the content of these forms, but will post a general statement of non-responsibility for the content of all posted forms. Any candidate may request in writing that his/her form not be posted on the website, and the Association will honor any such request received prior to the date of posting all forms.



13. **ASSOCIATION NEWSLETTER:** No Candidate's Qualification Form or other editorial or campaign material will be published in the Association's newsletter.

14. **CANDIDATE MEETING:** All candidates for election and other members may reserve the Clubhouse or other Association facility to conduct campaign activities or advocate a point of view on an election or balloting issue pending before the membership. All candidates and members will be provided an equal opportunity to reserve the association's facilities for these purposes. No fees will be charged to any candidate or member for reservation of any common area facilities conducting campaign activities or advocating a point of view on an election or balloting issue pending before the membership.

15. **CONTENT OF ELECTION MATERIALS:** Any information sent to the homeowners using addresses provided by the Association or in any media provided by the Association shall contain the following statement: *"As a matter of law the Association may not edit or redact any content from any communication originating with a member standing for election. The Candidate and not the association is responsible for any views expressed by the candidate."*

16. **VOTES:** Votes may be cast by members whose voting rights have either in person, by proxy, or, in specific instances designated by the Board of Directors, in a ballot-by-mail. In any election or voting procedure in which proxies are authorized, the Inspectors of Election shall be responsible to authenticate and determine the validity and effect of, any submitted proxy submitted.

17. **NOTICE AND SUBMISSION OF BALLOTS:** The Board shall provide notice of any meeting at which an election will be held or other balloting conducted or in any announcement containing a ballot-by-mail and shall announce the applicable voting period, including any deadline for submission of ballots-by-mail. Ballots-by-mail may be submitted at any time from the members' receipt of the ballot-by-mail until the announced deadline or any extension thereof as set by the Inspectors of Election. The Inspectors of Election shall determine when ballots may be submitted and the time when the polls shall close at any meeting at which ballots are cast. Ballots must be submitted in envelopes substantially like those in Exhibit B & C. All ballots must be mailed out to all members at least 30 days before the annual meeting. Once a ballot has been mailed, faxed or otherwise delivered to the election inspectors, it may not be revoked. Thus, any attempt to submit a second ballot could result in both ballots being disqualified by the Inspectors of Election, if the first ballot sent cannot be distinguished from the second.

State law now requires a member's ballot to be placed inside an envelope that cannot be identified as to who sent it. This envelope should look substantially like Envelope #1 in Exhibit B. The Exhibit B envelope must be placed inside an envelope that is substantially like Envelope #2 in Exhibit C. The law requires the information about the member in the upper left-hand corner, and requires the member to sign the outer envelope in the upper left-hand corner. The Association and/or Inspectors of Election may choose to use an envelope like Option #2 in Exhibit C where the member's information, except for the member's signature, is contained on a pre-printed label affixed to Envelope #2.

18. **SUBMISSION OF BALLOTS VIA FACSIMILE or E-Mail:** The association recognizes that it has many members who reside outside the United States, most of whom live in Mexico. Many or most of these members have not voted and will not vote unless they can return



their ballots by facsimile or e-mail. Any member, whether living outside the United States or not, may choose to return a ballot via facsimile or e-mail, subject to the terms of this section. Electronic facsimile or e-mail ballots will be accepted as long as they are received on a fax machine or computer available only to the Inspectors of Election and are accompanied by a facsimile/e-mail cover sheet substantially similar to that attached as Exhibit E that includes the unit number and signature of the unit owner. Ballots received by fax or e-mail will be put in the required envelopes by the Inspectors of Election to maintain privacy of the ballot. If a member voluntarily chooses to send a ballot via facsimile or e-mail, that member shall be deemed to designate the Inspectors of Election to affix the member's name on his or her behalf and to have voluntarily waived his or her right to cast a secret ballot using the ballot-by-mail procedure that is otherwise provided by these rules.

19. **QUORUM FOR ANNUAL MEETING:** The mailed secret ballots described in these rules do not serve to establish a quorum at any meeting of members. To establish a quorum for a membership meeting where a quorum is required as described in the Bylaws, members must be present at the meeting either in person or by proxy, provided however, that if Civil Code 1363.03 is amended to permit such ballots to count for quorum, then mailed ballots shall count toward quorum. If Civil Code 1363.03 is not so amended, the mailing of election materials will include a proxy solely for the purposes of establishing a quorum. At the option of the Board of Directors, the proxy form may be printed on the back of the second (outer) envelope in a form substantially similar to that shown in Exhibit D.

20. **POSITIONS FILLED AT MEETING:** At each annual meeting of the Association, the Members shall fill, by election, all vacant positions on the Board. However, if an annual meeting is not held or does not include an election, the election may be held at a special meeting of Members called for that purpose. At an election, the Member or the Member's proxy holder may cast, in respect to each vacancy, as many votes as the Member is entitled to exercise under the provisions of these Bylaws. Any member who attends the annual meeting and wishes to cast a ballot must be given a complete ballot using a double envelope procedure in the same manner as those members who sent in their ballots by mail.

21. **VOTES:** In accordance with the governing documents of the Association, members shall be entitled to one vote per unit, except in the election of directors where each unit may cast one vote per candidate up to the number of candidates to be elected.

22. **COUNTING OF BALLOTS:** The ballots for election of directors shall generally be counted at the annual meeting, if a quorum is established, or at a reconvened membership meeting, unless the Inspectors of Election, based upon a showing of good cause, authorize a postponement or extension of the counting of the ballots to another date and time. Ballots on other issues shall generally be counted at the next regularly scheduled meeting of the Board of Directors following the expiration of the voting period. The counting of the ballots shall be open to the membership to observe the counting process either at the annual meeting, a reconvened annual meeting or at an open Board meeting and shall be announced to the membership at that meeting. Inability to complete the counting of the ballots prior to 10:00 p.m. shall constitute good cause for a delay or extension of the counting of the ballots. In case of a delay or extension of the time to complete the counting of the ballots, the Inspectors of Election shall retain custody of all ballots.

23. **ELECTION:** The candidates receiving the highest number of votes, up to the number of Directors to be elected, shall be elected.

24. **STORING BALLOTS:** Ballots will be retained by the Association, or its designated agent, for a period of one year following the election or voting deadline, as the case may be. At the conclusion of the one-year period, the ballots will be destroyed.

25. **RECALL AND OTHER SPECIAL MEETINGS:** Recall and other special meetings requested by membership petition will be conducted in such a manner as will allow for compliance with the time limits as provided by these Election Rules, with the election procedures appropriately adjusted depending on the relevant factors involved, e.g. whether a replacement Board is to be elected immediately following a successful recall, or at a later date by a separate election. The Board may, in their sole and reasonable discretion, determine how recall and other special elections are to be conducted both in compliance with these Rules and what the Board deems to be in the best interests of the Association, regardless of the terms used in any members' petition received by the Association requesting that a recall or other special election be held. Unless otherwise required by law, a special meeting to recall the members of the Board may not be reconvened if a quorum is not achieved at the meeting called for that purpose. The members shall not have the power to reconvene the meeting or allow additional time for additional ballots to be submitted or members present to be counted.



## Exhibit A

### Nominations for Las Flores **C.S.C.A #4 Board of Directors**

In November, Coronado Shores Condominium Association #4 will elect five (5) Board members. Now is the time to nominate those you think would make a good addition to the Board (you can nominate yourself).

While any owner may serve on the Board, due to the fact that Las Flores has relatively few full-time residents, please indicate in your resume whether or not you are a part time or full-time resident. The reason is that not only do Board members need to be physically present to sign checks but they are also needed to serve on the various complex wide committees.

Nominees must be members in good standing of Coronado Shores Condominium Association #4 and willing to serve a one (1) year term on the Board. The Board is composed of five (5) individuals who are elected each year. An interest in C.S.C.A. #4 Las Flores Tower, a desire to keep it a great place to live, and a willingness to work with others is essential.

Please complete and return this form to the Building Manager or Nominating Committee by August 25, 2022. If you fail to meet this deadline, you or the name of your nominee will not be on the ballot mailed to members. The form can be dropped off at the Manager's Office or mailed to 1770 Avenida Del Mundo, Coronado, Ca 92118, Attn: Nominating Committee.

#### **2022 Board Nomination Form**

Nominee Name \_\_\_\_\_

C.S.C.A #4 Unit No. \_\_\_\_\_

Phone No. \_\_\_\_\_ Email \_\_\_\_\_

Nominated By \_\_\_\_\_

C.S.C.A. #4 Unit No. \_\_\_\_\_

Phone No. \_\_\_\_\_ Email \_\_\_\_\_

Why I think myself or this person would be a good Board Member:

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Signature

Exhibit B

Envelope #1

Envelope #1

Place ballot in this envelope and seal.

Place this envelope in Envelope #2

You MUST COMPLETE the upper left corner of Envelope #2

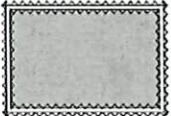
AND

Sign Your Name

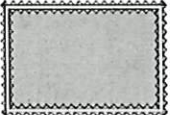


Exhibit C

Envelope #2 - Option 1  
(Member-completed Return Information and Signature)

Member's Name: _____		
Member's Address: _____		
Unit Number: _____		
Member's Signature: _____		
<p>Inspectors of Election Coronado Shores Condominium Association No. 4 c/o 1770 Avenida del Mundo Coronado, California 92118-3042</p>		
<p><b>Sign Your Name Above</b> <b>Ballot Enclosed - Do Not Open</b></p>		<p><b>Envelope #2</b></p>

Envelope #2 - Option 2  
(Pre-Printed Return Label and Signature Line)

<p>(Member's Name Preprinted) (Member's Return Address Preprinted) (Property Address/Unit No. Preprinted) Member's Signature: _____</p>		
<p>Inspectors of Election Coronado Shores Condominium Association No. 4 c/o 1770 Avenida del Mundo Coronado, California 92118-3042</p>		
<p><b>Sign Your Name Above</b> <b>Ballot Enclosed - Do Not Open</b></p>		<p><b>Envelope #2</b></p>

**Exhibit D**  
**Envelope #3 - Proxy, if needed**

(Back Side / Flap Side of Envelope #2)

**PROXY TO ESTABLISH QUORUM**

I/we hereby appoint (check only one box) ☐ Board of Directors or ☐ \_\_\_\_\_ (If neither of the boxes is checked, this proxy will be assigned to the Board of Directors) to be the proxy holder of the undersigned, to attend the annual membership meeting of the Association on \_\_\_\_\_, 20\_\_\_\_, or any adjournments thereof, and shall act for the undersigned in the same manner and with the same effect as if the undersigned were personally present. This proxy is authorized to be used only to establish a quorum. This Proxy is executed in accordance with the provisions of California Corporations Code Section 7613. This proxy may be revoked by the attendance of the undersigned at the meeting for which this proxy is valid, or by express revocation by execution and delivery of a subsequent proxy. Unless earlier revoked, this proxy shall automatically expire after the completion of the meeting(s) or adjourned meeting(s), referred to above, for which this proxy is valid.

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_



## Exhibit E

### Facsimile/E-Mail Cover Sheet

To: Inspectors of Election  
Coronado Shores Condominium Association No. 4  
c/o 1770 Avenida del Mundo  
Coronado, California 92118-3042

I am returning my ballot to you via facsimile.

By completing the blanks below and signing my name, I am appointing you to act as my proxy holder or agent on my behalf, to cast my ballot on my behalf and to place my ballot, as marked, in an inner envelope and to complete any information required on the outside envelope so that my vote will count. I understand that I have a right to cast a completely secret and anonymous ballot by returning my ballot by mail. However, I am voluntarily waiving my right to cast a completely secret ballot and sending it in by mail. I understand that the Inspectors of Election may see my vote, but that they will put the facsimile or pdf of my ballot into the proper envelopes and that they will tape this facsimile cover sheet to the outside envelope as proof of my eligibility to vote.

Fax or e-mail this cover sheet along with your ballot to: (619) 437-4507 or csca4a@aol.com

To the Member: You must complete any blanks below and sign your name.

Member's Name \_\_\_\_\_

Member's Address \_\_\_\_\_

Member's Unit No. \_\_\_\_\_

Member's Signature: \_\_\_\_\_

These Election Rules have been duly adopted by Board Resolution on the 18<sup>th</sup> day of May, 2022, and remain in effect until the 2023 election cycle.

*Lisa A. Smith*  
Secretary or other duly authorized Officer

\* \* \* *Remainder of this page intentionally left blank* \* \* \*