LOS ABANICOS MAINTENANCE CORPORATION
ELECTION RULES & PROCEDURES

General ***Election Rules***

1. All candidates or members advocating a point of view shall have ***equal*** access to all association media, newsletters and websites during a campaign for purposes reasonably related to that election.

2. The association will not edit or redact (black out) any content from communications defined in item #1; 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 word-for-word, regardless of its content.

3. All candidates and members having a point of view will have equal access, at no cost, to any common area meeting space during a campaign for purposes related to the election.

Candidate Qualifications

1. Must be an owner of record in the association.

Nomination Procedures

I. Candidate statement solicitation notices will be sent to the membership.

2. The solicitation notices will include a deadline for receipt of those statements by the association.

3. The board of directors will appoint a nominating committee, at or around the same time that the solicitation notices are sent to the membership, for the purpose of placing names into nomination for office. The nominating committee shall consist of a chairman, who shall be a member of the board of directors, and two or more members of the association, all of whom shall be appointed by the board of directors prior to each annual meeting and to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The nominating committee shall make as many nominations for election to the board of directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled, provided there are persons willing to be nominated.

4. Any candidate nominated by another person will be contacted to confirm his or her consent to run for election to the board of directors.

5. Completed statements will be forwarded to the nominating committee for review at which time the nominating committee will determine whether the candidate meets the qualifications for candidacy under the association's governing documents.

6. Completed statements that are received by the deadline will have the candidate's name printed on the secret ballot that is mailed to the membership, after nomination by the nominating committee.

7. Nomination of a candidate by the nominating committee may be done at a regular session meeting of the board of directors or via written consent of a majority of the committee members.

8. Completed statements that are received by the deadline will be re-typed and included with the secret ballot that is mailed to the membership along with all candidate statements that meet the deadline. Candidates will be listed in alphabetical order by last name, then by first name in the event that candidates have the same last name. Incumbents may be identified by an asterisk, but th.is practice shall not be mandatory.

9. Candidates can be nominated from the floor at the election meeting by another member or by self-nomination.

Election Process

1. The number of directors who are scheduled to be elected and their respective terms shall be determined in accordance with the association's governing documents and stated in the notice of the meeting.

2. If more than one owner is listed on title to a lot or unit, only one owner needs to submit his or her signed, color-coded envelope and secret ballot to vote.

3. Record dates for determining members entitled to receive notice of the meeting and for determining members entitled to vote at the meeting will be established in advance by the board of directors at an open board meeting. If the board establishes no date, then the date that the ballots are mailed to the membership shall be the record date for purposes of determining members entitled to vote at the meeting, and members who acquire ownership of a lot or unit after the date of mailing shall not be entitled to vote at the meeting.

4. The election will be conducted annually on or about the anniversary date of the first a1lllual meeting. If a quorum is not achieved, subsequent adjourned meetings will be held until quorum is met and the inspector(s) of election can sign the certificate of quorum for the association or a court petition is successful to reduce the quorum requirements.

Voting Power

Each membership is entitled to one (1) vote per unit. In the case of election of directors, each unit is entitled to one vote for each position to be filled on the Board of Directors. For example, if there are two (2) open positions on the Board to be elected, each unit has

the power to cast two (2) votes. Cumulative voting shall be used when more than two (2) directors are to be elected, provided, however, a member may cumulate his/her votes for any candidate for the board if the candidate's name has been placed in nomination prior to the voting and if such member, or any other member, has given notice at the meeting of such member's intention to cumulate his/her votes.

Inspector(s) of Election

I. Inspector(s) of election will be appointed annually by the board of directors at a board meeting held prior to the distribution of election materials.

2. If there is an election or vote between annual elections of the board of directors, the board may retain the inspector(s) of election from the last meeting, or the board has the authority to appoint different inspector(s) at the board's discretion.

3. The board may remove and replace any inspector of election prior to the tabulation of votes if an inspector resigns or if the board reasonably determines that an inspector will not be able to perform his or her duties impartially and in good faith.

4. There shall be one or three inspectors of election for the association.

5. If there are three inspectors of election, the decision or act of a majority shall be effective in all respects as the decision or act of all.

6. Each Inspector shall be an independent third party which may include, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensed CPA, a notary public, a person who is currently employed by or under contract to the association for any compensable services, or a member of the association.

7. Inspector(s) cannot be a member of the board, a candidate for the board, or related to a member of the board or candidate for the board.

8. If the board cannot find a suitable volunteer inspector within 30 days of the election, the board will be compelled to retain a CPA or other professional of choice at an additional expense to the association.

9. Inspector(s) will determine the number of memberships entitled to vote and the voting power of each.

10. Inspector(s) will determine the authenticity, validity, and effect of proxies, if any.

11. Unless the inspector(s) designate a different location to receive ballots, the location to receive ballots will be the association's managing agent's business office address.

12. Inspector(s) shall hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.

13. All accounting and tabulations will be done in an open setting to allow members to watch and listen. Members who are not inspectors cannot participate in such discussions, if any arise. Inspector(s) count and tabulate all votes. All votes shall be counted and tabulated by the inspector(s) in public at a duly noticed board or member meeting.

14. Every inspector(s) of election must sign the ballot tally sheet for the association's corporate records.

15. Inspector(s) shall determine when the polls shall open and close.

16. Inspector(s) shall determine and announce the results of the election.

17. Inspector(s) shall to report the results of the election promptly to the board of directors and the results are to be recorded in the next regular session board meeting minutes.

18. Inspector(s) shall perform any acts as may be proper to conduct the election with fairness to all members in accordance with the inspector(s) of election rules and all applicable rules of the association regarding the conduct of the election that are not in conflict with the inspector(s) of election rules.

19. Inspector(s) shall perform all duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical.

Ballot Rules

1. Once a secret ballot is received by the association it is deemed irrevocable, even if it is still unopened in the color-coded envelope.

2. If a member loses his or her secret ballot, a new one can be obtained from the inspector(s) at the election meeting, however, if a secret ballot is already on file from that unit, then a new secret ballot will not be given.

3. A member who signs or otherwise marks his or her secret ballot with an identifying mark waives his or her rights to secrecy. The association is not responsible for redacting personal information that is added to the secret ballots by the member.

4. Unmarked secret ballots are counted toward quorum purposes only.

5. A member's submission of a secret ballot shall constitute the member's presence at the meeting for purposes 0f dctem1ining the presence of a quorum at the meeting.

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Tabulation Rules

1. Once received by the association, the sealed ballots shall always be in the custody of the inspector(s) of election or at a location designated by the inspector(s).

2. If the number of candidate is equal to or fewer than the number of open positions, and if the tabulation of votes is not required to determine term of office, then a member in attendance at the meeting can make a motion to elect the slate as presented, followed by a secret ballot vote of the members in attendance to elect the slate as presented. The vote count will be waived.

3. Any candidate or other member of the association may witness the counting and tabulation of the votes. Members who are not inspectors, must remain at least five feet away from the counting area.

4. The inspector(s) may cause the removal of any observer who causes interference with or disrupts the counting or tabulation process.

Post-Election Rules

J. In addition to recording the election results in the next regular session board meeting minutes, the association shall keep annual meeting minutes that reflect the results of the election.

2. The board shall publicize the results of the election in a communication directed to all members within 15 days of a successful (quorum achieved) election.

3. After the tabulation of the votes, custody of all election materials will be transferred to the custody of the association for its corporate records.