

Ballot Procedures & Time Frames for Director Elections

For all elections of directors, an Association will be required to provide three separate notices: (1) a Candidate Solicitation; (2) a Pre-Ballot Notice; and (3) a Ballot Solicitation. Each notice must come at least thirty (30) days before the next notice can be provided, making the combined notice process last at least ninety (90) days plus the time needed to print and distribute each notice.

Candidate Solicitation. At least thirty (30) days before any deadline set for candidates to declare their intention to run, an association must **post notice** of the procedure and deadline for submitting a nomination. [Civil Code §5115(a)] This should include a form, which may either be printed or produced digitally, that collects information relevant to the candidate (e.g., name, address, contact information, candidacy statement, etc.). It should also remind members to confirm their personal contact information by the date set for candidate nominations to ensure accurate mailing of ballots.

Pre-Ballot Notice. At least thirty (30) days before ballots are distributed, an Association must **post notice** of: (1) the date, time and place where ballots are to be returned by mail, or handed to the Inspector(s) of Election; (2) the date, time and location of the meeting at which ballots will be counted; and (3) the list of all candidates' names that will appear on the ballot. [Civil Code §5115(b)] Because the date, time and place where ballots are to be returned must be designated by the Inspector(s) of Election, the Board should appoint the Inspector(s) and confirm where ballots will be received and stored well in advance of the date that the Pre-Ballot Notice must be posted. [Civil Code §5125]

Ballot Mailer. At least thirty (30) days before the meeting at which ballots will be counted, an association must mail (by first class mail) or deliver ballots and two pre-addressed envelopes to the members, along with instructions on how to return the ballots. [Civil Code §5115(c)] The Association shall also deliver a copy of the election rules thirty (30) days (or more) before the meeting, or make the election rules available on a website and include a statement on the Ballot, in at least 12-point font, that: "The rules governing this election may be found here:" [link]. [Civil Code 5115(g)(4)]

A formal Notice of the Meeting should also be included in the solicitation setting forth: (1) the date, time and place of the meeting; (2) notice of those matters which the board intends to present for action by the members; and (3) the names of all those who are candidates. [Corporations Code §7511]

Membership votes for purposes other than the election of directors (e.g., to approve a bylaw amendment, to authorize a special assessment, or to approve the transfer of common area, etc.) follow the traditional process, which involves only the Ballot Mailer described above.