

GRAND ADVENTURE

**2024 CACM
SOUTHERN CALIFORNIA
LAW SEMINAR & EXPO**



Association Elections Explained

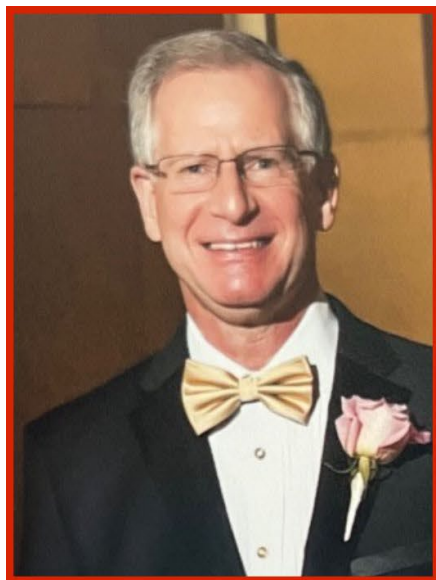
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2024 CACM SOUTHERN CALIFORNIA LAW SEMINAR & EXPO



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Session Outcomes & Takeaways

At the end of the session, attendees will understand and be able to communicate the following to their board members:

- The strategic choice between using acclamation and defaulting to a regular election
- The timelines for a regular election and for acclamation
- The association must still plan for the costs of a regular election and acclamation
- Strategies to meet the complex deadlines for elections



History of Election Law Changes

4 years ago: Election + 30 day voting time (+mailing) +/- 15 day Request for Candidates = +/- 45 days

2 years ago: Election + 30 day voting time (+mailing) + 30 day Candidate Introduction time (+mailing) + 30 day Request for Candidates (+mailing) = 105 days

With Acclamation: Election + 30 day voting time (+mailing) + 30 day candidate introduction time (+mailing) + 30 day Request for Candidates (+mailing) + 7-30 day reminder, + 60 more days to submit application in event of acclamation (+mailing) = +/-180

NOTE: 90 day lead time for Election Rules

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Difference Between Regular Election & Acclamation

- Definition of
 - What is a regular election?
 - How does acclamation differ?
 - What are the pros/cons of each?



Planning for Costs of an Election by Acclamation

- Budget Line Item
- Forecast Costs Easily
- Cost Benefit Analysis
- Quorum Reduction – eliminate quorum vs. new statute reducing quorum



How do you decide which to pick?

- Start with planning for both
- Every 3 years there must be a regular election
- Know the temperature of the community
 - Some communities might be better served by holding a regular election or by using acclamation



Requirements & Timeline for a Regular Election and Acclamation

- Regular Election Reminders
- Acclamation requires more lead time
 - At least 90 days before original deadline for nominations
 - Number of board positions to be filled
 - Deadline for submitting nominations
 - The manner in which nominations can be submitted



Requirements & Timeline for a Regular Election and Acclamation

(continued)

- A statement reminding members of the board's ability to seat by acclamation
- Reminder notice between 7 and 30 days before deadline for nominations (same as initial notice + list of qualified candidates)



Required Inspector of Elections Appointment

- Nomination Communications
 - Acknowledgement of nominations
 - Qualification of nominees
- Basis for Disqualification
- Prompt IDR Hearing



Required Inspector of Elections Appointment (continued)

- Board Vote on Acclamation
 - Board meeting
 - Candidates listed on agenda
 - Is there a final notice to owners of acclamation (including reasons why)?



How do you stay on track?

- Calendar the election and set reminders
- Have election forms ready in advance
- Keep election as a standing item
 - Board meeting agendas
 - Annual calendar
 - Management reports



How do you stay on track?

(continued)

- Election committee
- Start planning your next election by acclamation during the 1st quarter after your last election



Professional Inspector of Elections vs Homeowner Volunteer

- Professional Inspector of Elections
 - Liability Reduction
 - Duty/Obligation
 - Insurance Protections for Association, Management
 - Member Perception (reduces perceived conflict of interest)



Homeowner Volunteer

- Do they know the law?
- Have they read the governing documents?
- Unable to handover without training homeowner (factor in cost of training the homeowner)



Homeowner Volunteer

(continued)

- Liability
- Specific duties
- Issues that may arise (e.g., perceived conflict of interest)
- Collection/storage of ballots



Remote Meetings – AB 648 – Effective 1/1/24

- Authorizes meetings to be conducted remotely
- Certain conditions must be met
- Exemption – meetings where ballots are tabulated



Absence of a Quorum – AB 1458 – Effective 1/1/24

- May adjourn meeting to a date 20 days or later
- Quorum reduces to 20%
- Specific notice must be given 15 days prior to adjourned meeting

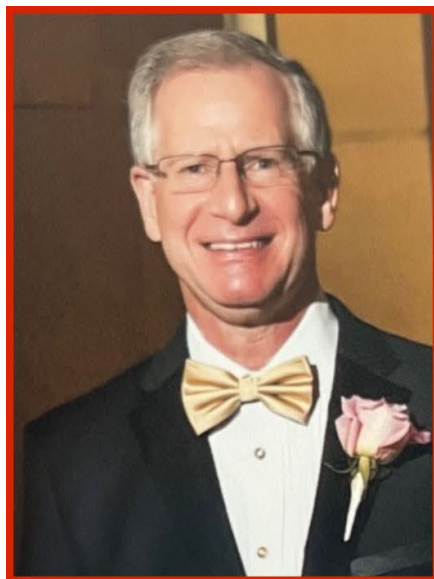


Q & A

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