

ASSOCIATION ELECTIONS



The H.O.A. Election Process



Guidelines

Homeowners' associations in Nevada are governed by an executive board of directors. Following transition from declarant control to the unit owners, an association must hold an election in which the unit owners vote for a board of at least three directors, all of whom must be unit owners themselves.

What are the rules and schedule for elections?

Each association holds its election in accordance with the association's bylaws. Each director's term may not exceed 3 years. Terms exceeding 1 year must be staggered so that generally an equal number of directors are elected each year.



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NRS references: NRS 116.31034; NRS
116.31036

NOTE: Persons who knowingly, willfully and with fraudulent intent alter the outcome of executive board elections may be found guilty of a category D felony.

Can unit owners remove directors?

Yes. Unit owners may remove a director from the board, with or without cause, by obtaining signatures representing 10% (or a lower percentage if the HOA bylaws allow) of units on a petition to request a removal election. This petition must be mailed, return-receipt requested, or served by process server to the board or community manager.

The next step, taken by the board or manager, is to send out secret ballots not less than 15 days and not more than 60 days before the removal election. Thereafter, the steps (for mailing and opening ballots) are the same as for a regular election. A removal election must be completed within 90 days of the petition.

NOTE: For a removal to succeed, the owners voting in favor of removal must constitute: 1. At least 35 percent of all unit owners; and 2. At least a majority of all the votes cast in the removal election.

Three-envelope system

- The outer envelope, addressed to each owner, contains two other envelopes.
- A second envelope (the larger of the two inside) is addressed to the election committee or community manager. The second envelope shows the unit owner's name and address, producing record upon return that the unit owner voted.
- The third envelope (the smallest) is marked "Ballot" on the outside and is indistinguishable from all other ballot envelopes. This ensures a secret ballot.

How do I run for the board?

At least 30 days before a ballot is prepared, a written notice is sent to unit owners advising them of their eligibility to serve as directors.

What must a candidate disclose?

Candidates must disclose in writing any potential conflicts of interest (financial, business, professional or personal relationship). Candidates must also disclose whether or not they are in “good standing.” A candidate with any past due assessments or construction penalties is not in good standing. Candidates are to provide the disclosure statement with their candidacy information. The association distributes the disclosure to the owners with the ballots or in the next regular mailing of the association if no ballots are sent out. The association does not have to distribute the disclosure if it contains information believed to be defamatory, libelous or profane.

The candidate must provide the disclosure statement. Failure to do so may result in the candidate’s name not appearing on the ballot.

Can candidates campaign?

Board nominees are entitled to campaign. The association may limit the campaigns to 90 days before the deadline to return ballots.

Candidates may request that a single-page candidate information statement be sent to all unit owners at association expense, either with the ballot or in a separate mailing. The candidate information statement may not contain material that is defamatory, libelous or profane.

If a candidate would rather send out their own materials, the candidate may request a mailing list of all unit owners (addresses only – no names). The candidate may then send any material directly to owners at his or her expense. The candidate must affirm in writing that the list will only be used for the association election.

Not enough candidates

Before sending out the notice of eligibility, the association should make a determination whether or not it wants to exercise its right to cause the nominees to be duly elected should there be fewer nominees than open seats. If the board elects this option and the number of candidates is equal to or less than the number of seats up for election, a second notice must be sent to unit owners informing them that ballots will not be prepared or mailed, and the nominated candidates will be deemed duly elected unless within 30 days after the second notice the number of nominees exceeds the number of open seats.

If the number of nominated candidates is equal to or less than the number of open seats at the close of the second nomination period, then the association may forego mailing ballots and deem the candidates elected. The association still must send the candidate disclosures and notice of the election results.

Competitive elections

If, after either nomination period, there are more candidates than open seats, then an election must be held. Board elections must be held by secret written ballot.

Step 1: Prepare the Ballots

The names of eligible unit owners who provided a disclosure statement are placed on the ballot.

Step 2: Mail the Ballots

No less than 15 days before the ballots are to be returned, the ballots and a return envelope must be sent via U.S. mail to each unit address, or to any other mailing address that an owner designates in writing. The association must include the disclosure statements and any candidate informational statements not sent separately.

Step 3: Return the Ballots

Each unit’s owner must be provided with at least 15 days after the mailing date to return the ballot.

NOTE: The ballots mailed to the unit owners must include first class postage. However, the envelope for the return ballot does not have to be prepaid or stamped.

Step 4: Count the Ballots

Ballots must be opened and counted at a unit owners’ meeting. No quorum is required for the election to be valid. Only secret written ballots returned to the association by the deadline may be counted. Owners and board members may observe the counting, however no current director or candidate on the ballot may possess the ballots or participate in their counting. Once results are official, the ballots become an association record and may be reviewed by all unit owners.

What about officers?

Officers are chosen by the board. Unless the governing documents state otherwise, officers are not required to be unit owners.