

Robert's Rules NRS -Voting

NRS 116.31084 Voting by member of executive board; disclosures; abstention from voting on certain matters

(ABSTENTION) 1. A member of an executive board **who stands to gain** any personal profit or compensation of any kind from a matter before the executive board **shall**:

(a) **Disclose the matter to the executive board; and**

(b) **Abstain from voting on any such matter.**

2. A **member of an executive board** who has a **member of his or her household** or any person related to the member **by blood, adoption or marriage within the third degree of consanguinity** or affinity who stands **to gain any personal profit** or compensation of any kind from a matter **before the executive board shall disclose the matter to the executive board before voting on any such matter.**

3. For the purposes of this section:

(a) An employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.

(b) **A member of an executive board shall not be deemed** to gain any personal profit or compensation **solely because the member of the executive board is the owner of a unit** in the common-interest community.

(Added to NRS by [2009](#), [1099](#), [2908](#))

NRS 116.311 Voting by units' owners; use of absentee ballots and proxies; voting by lessees of leased units; association prohibited from voting as owner of unit; voting without a meeting.

1. **Unless prohibited or limited by the declaration or bylaws** and except as otherwise provided in this section, **units' owners may vote** at a meeting **in person, by absentee ballot** pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by electronic or paper ballot pursuant to subsection 9.

2. At a meeting of units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to an owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. **A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105.** If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy **must** be dated.

(b) The proxy **must** not purport to be revocable without notice.

(c) The proxy **must** designate the meeting for which it is executed, and such a designation includes any recessed session of that meeting.

(d) The proxy must designate **each specific item** on the agenda of the meeting for which the unit's owner **has executed the proxy**, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items **on the agenda of the meeting for which the unit's owner has executed the proxy**, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the **affirmative or the negative on behalf of the unit's owner**. If the **proxy does not indicate** whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the **unit's owner were present but not voting on that particular item**.

(e) **The holder of the proxy** must disclose at the **beginning of the meeting** for which the proxy is executed and any recessed session of that meeting **the number of proxies pursuant to which the holder will be casting votes**.

5. A **proxy terminates immediately** after the **conclusion of the meeting**, and any recessed sessions of the meeting, for which it is executed.

6. Except as otherwise provided in this subsection, **a vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association**. A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to [chapter 119A](#) of NRS if the proxy is exercised through a delegate or representative authorized pursuant to [NRS 116.31105](#).

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. Unless prohibited or limited by the declaration or bylaws, an association may conduct a vote without a meeting. Except as otherwise provided in [NRS 116.31034](#) and [116.31036](#), if an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

10. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) This section applies to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in [NRS 116.3108](#), of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

(Added to NRS by [1991, 563](#); A [1999, 3006](#); [2003, 2238](#); [2009, 2924](#); [2011, 2442](#))

NRS 116.31105 Voting by delegates or representatives; limitations; procedure for electing delegates or representatives.

1. Except as otherwise provided in subsection 8, **if the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners** in the association for that common-interest community may be **exercised by delegates or representatives** except that, **in the election or removal of a member of the executive board**, the voting rights of the units' owners may not be exercised by delegates or representatives.

2. Except as otherwise provided in subsection 8, in addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created

before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to [chapter 119A](#) of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to [NRS 116.2105](#) and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of [NRS 119A.380](#) must be counted in determining the number of time shares in a time-share plan.

6. Notwithstanding any provision in the declaration, **the election of any delegate or representative must be conducted by secret written ballot.**

7. When an election of a delegate or representative is conducted by **secret written ballot:**

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a **secret written ballot** and a **return envelope to be sent, prepaid by United States mail,** to the **mailing address of each unit within the common-interest community** or to any **other mailing address designated in writing by the unit's owner.**

(b) Each unit's owner must be provided with **at least 15 days** after the date the secret written ballot is mailed to the unit's owner **to return the secret written ballot to the association.**

(c) Only the **secret written ballots** that are **returned to the association** in the manner prescribed on the ballot may **be counted** to determine the outcome of the election.

(d) **The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to**

be present when the secret written ballots are opened and counted at the meeting.

(e) **A candidate** for delegate or representative **may not possess, be given access to or participate** in the **opening or counting of the secret written ballots** that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

8. Except as otherwise provided in subsection 9, the voting rights of the units' owners in the association for a common-interest community may be exercised by delegates or representatives only during the period that the declarant is in control of the association and during the 2-year period after the declarant's control of the association is terminated pursuant to [NRS 116.31032](#).

9. The provisions of subsection 8 do not apply to:

(a) A time-share plan created pursuant to [chapter 119A](#) of NRS which is governed by a master association; or

(b) A condominium or cooperative containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted.

(Added to NRS by [2003, 2220](#); A [2009, 2925, 2926](#))

NRS 116.31107 Voting by units' owners: Prohibited acts; penalty.

1. A person shall not knowingly, willfully and with the intent to fraudulently alter the true outcome of an election of a member of the executive board or any other vote of the units' owners engage in, attempt to engage in, or conspire with another person to engage in, any of the following acts:

(a) Changing or falsifying a voter's ballot so that the ballot does not reflect the voter's true ballot.

(b) Forging or falsely signing a voter's ballot.

(c) Fraudulently casting a vote for himself or herself or for another person that the person is not authorized to cast.

(d) Rejecting, failing to count, destroying, defacing or otherwise invalidating the valid ballot of another voter.

(e) Submitting a counterfeit ballot.

2. A person who violates this section is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by [2009, 2875](#))