

# State of Nevada

Common-Interest Communities and  
Condominium Hotels Program  
Department of Business & Industry Real  
Estate Division





# Association Elections & Recall Elections

## Disclaimer

*This is a general education class based on NRS 116 and related laws and regulations. It is not intended to provide a legal opinion or legal advice. If you feel there has been a violation of your governing documents or NRS116 statute you can file a complaint with the Ombudsman's office*



# HOA Elections

## General Information



# Objective: to educate about the HOA election process

- \* Elections and the transition of control from the declarant to unit owners
- \* How elections are typically conducted in a CIC/HOA
- \* Information regarding the 3-envelope, secret ballot system
- \* Removal elections
- \* Reporting Requirements



# Declarant Ownership



# Declarant releasing control

(a) Sixty days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant or, if the association exercises powers over a common-interest community pursuant to this chapter

- \* Other Circumstances

- \* 5 years after new home sales cease
- \* 5 years after the right to add units
- \* Declarant voluntarily gives up control sooner

1. Regardless of the period provided in the declaration, a period of declarant's control terminates no later than the earliest of:

(a) For a common-interest community **with less than 1,000 units**, 60 days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant;

(b) For a common-interest community with **1,000 units or more**, 60 days after conveyance of 90 percent of the units that may be created to units' owners other than a declarant;

(c) If the association exercises powers over a common-interest community pursuant to this chapter and a time-share plan pursuant to [chapter 119A](#) of NRS, 120 days after conveyance of 80 percent of the units that may be created to units' owners other than a declarant;

(d) **Five years** after all declarants have ceased to offer units for sale in the ordinary course of business;

(e) **Five years after any right to add new units was last exercised**; or

(f) **The day** the declarant, after giving notice to units' owners, records an instrument **voluntarily surrendering** all rights to control activities of the association.

## NRS 116.31032 Period of declarant's control of association; representation of units' owners on executive board.

2. For a common-interest community with:

(a) **Less than 1,000 units**, not later than 60 days after conveyance of 25 percent of the units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant.

(b) **One thousand units or more**, not later than 60 days after conveyance of 15 percent of the units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant.

3. Not later than 60 days after conveyance of 50 percent of the units that may be created to units' owners other than a declarant, not less than one-third of the members of the executive board must be elected by units' owners other than the declarant.



# *Less than 1,000 units*

- \* 25% of units sold → 25% of the executive board must be owners
- \* 50% of units sold → 33% of the executive board must be owners
- \* 75% of units sold → Owners take control

**NRS 116.31032** Period of declarant's control of association; representation of units' owners on executive board



# *One thousand units or more*

- \* 15% of units sold → 25% of the executive board must be owners
- \* 50% of units sold → 33% of the executive board must be owners
- \* 90% of units sold → Owners take control

**NRS 116.31032** Period of declarant's control of association; representation of units' owners on executive board





# \*Unit Owners Board

# HOA Elections Facts

Upon transition from declarant control to unit owners, an association must hold an election in which the unit owners vote for a board of at least three members, all of whom must be unit owners.

Each association holds its elections in accordance with the association's bylaws.

Each member of executive board term may not exceed 3 years.

Terms exceeding 1 year must be staggered.

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

# Good Faith Disclosure

A unit owner who is qualified nominates himself or herself.

NRS116.31034 (8a,b,) Each person nominated as a candidate for membership must:

- \* Make good faith effort to **disclose** any financial, business, professional or personal relationships or interest that would appear to a reasonable person to result in a potential conflict of interest
- \* **Disclose** whether the candidate is a member in good standing. A candidate shall not be deemed to be in “good standing” if the candidate has **any unpaid and past due assessments, or construction penalties.**



# Good faith Disclosures vs Information Statement

The good faith disclosure provides any financial, business, professional or personal relationships or interest that would appear to a reasonable person to result in a potential conflict of interest ( can be numerous pages of information)

Vs

The information statement is used as an avenue for campaigning. A candidate nominates themselves and then provides a disclosure statement which must be provided to owners (Must be no longer than a single, typed page)



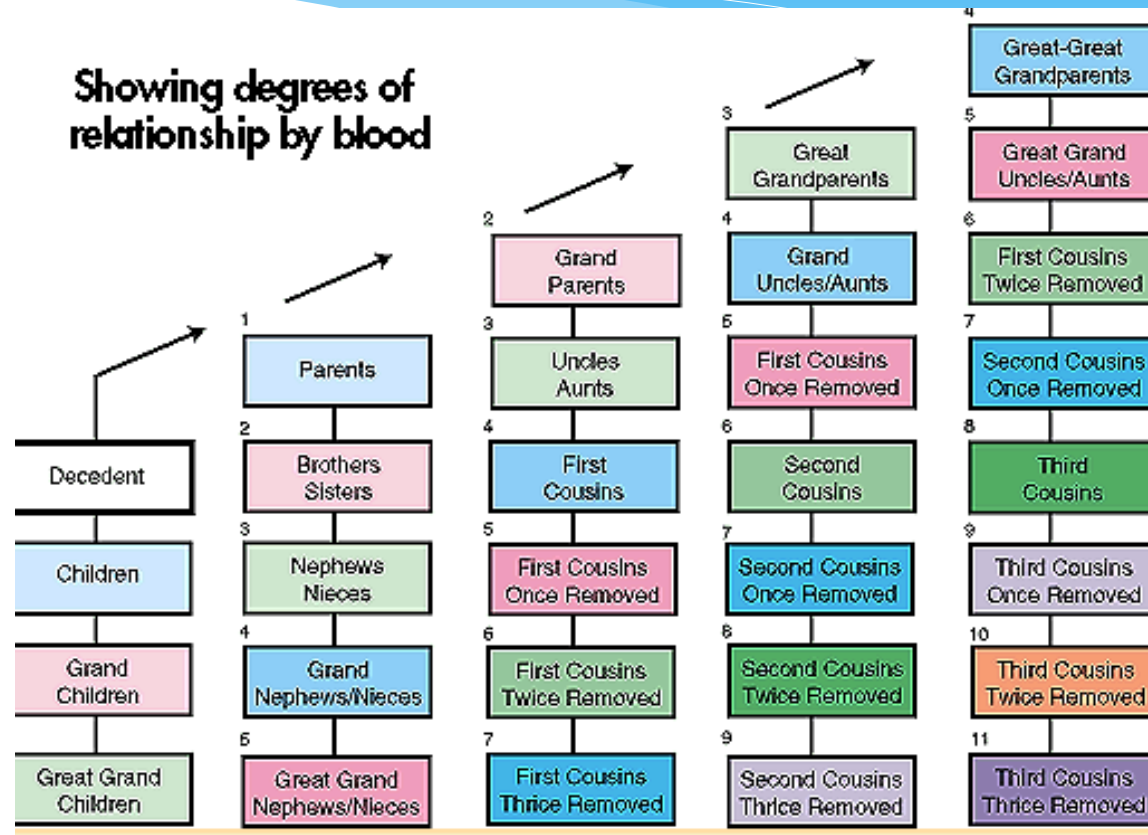
# HOA Candidate Facts

A person may not be a candidate for or member of the executive board or an officer of the association if:

- (1) The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;
- (2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or
- (3) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

\* This act became effective on October 1, 2015.

# Within the third degree of consanguinity





# HOA Candidate Facts

A person may not be a candidate for or member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, **performs the duties of a community manager** for:

- (1) That master association; or
- (2) Any association that is subject to the governing documents of that master association.

**NRS 116.31034 Election of members of executive board and officers of association**

# HOA Candidate Facts

## The Exceptions

A person, other than a person appointed by the declarant, **who owns 75 percent** or more of the units in an association **may**:

(a) Be a candidate for or member of the executive board or an officer of the association; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

if the number of candidates nominated for membership on the executive board **is less than or equal to the number of members** to be elected to the executive board.

# HOA Candidate Facts

## **Association is Responsible to Act**

If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

- (a) Must not place his or her name on the ballot; and
- (b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

# HOA Candidate Facts

Candidate's campaign may be limited to 90 days before the date the ballots are required to be returned to the association.

Candidates must disclose in writing any potential conflicts of interest (financial, business, professional)

Candidate must disclose whether or not they are in “good standing”. A candidate with any past due assessments or construction penalties is NOT in good standing.

**The association distributes the disclosures to the owners with the ballots or in the next regular mailing of the association if no ballots are sent out.**

# Candidate informational statement

- \* A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:
  - \* (a) Send before the date of the election and at the association's expense, 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 a candidate informational statement.

# Candidate informational statement

Must be no longer than a single, typed page;

Must not contain any defamatory, libelous or profane information

May be sent with the secret ballot or in a separate mailing

Allow the candidate to communicate campaign material directly to the units' owners, provide to candidate, in paper format at a cost not to exceed 25 cents per page for first 10 pages and 10 cents per page thereafter, format of cd at not more than a cost of \$5 or by electronic mail at no cost

# HOA Candidate Facts

## Campaign Material:

Material sent by mail, candidate must provide association a separate copy of mailing before the campaign, and **must pay the actual costs** of mailing before the campaign material is mailed.

Material sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

Information must not include name of any unit's owner or any tenant of a unit's owner.

Candidate must sign written statement which states that the candidate is making the request to allow candidate to communicate directly to unit owners and will not use the information for any other purpose. (or association can refuse)

# FAQ

When does the 15 days to mail back the ballot start, at postmark or receipt of mailing?

## POSTMARK

(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.



# HOA Publication Facts

1. If an official publication contains any mention of a candidate or ballot question, the official publication must, upon request and under the same terms and conditions, provide equal space to all candidates or to a representative of an organization which supports the passage or defeat of the ballot question.
2. If an official publication contains the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and under the same terms and conditions, provide equal space to opposing views and opinions of a unit's owner of the common-interest community.
3. If an association has a closed-circuit television station and that station interviews, or provides time to, a candidate or a representative of an organization which supports the passage or defeat of a ballot question, the closed-circuit television station must, under the same terms and conditions, allow equal time for all candidates or a representative of an opposing view to the ballot question.
4. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 1, 2 or 3.
5. As used in this section:
  - (a) "Issue of official interest" means:
    - (1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, elections; and
    - (2) The enactment or adoption of rules or regulations that will affect the common-interest community.
  - (b) "Official publication" means:
    - (1) An official website;
    - (2) An official newsletter or other similar publication that is circulated to each unit's owner; or
    - (3) An official bulletin board that is available to each unit's owner.

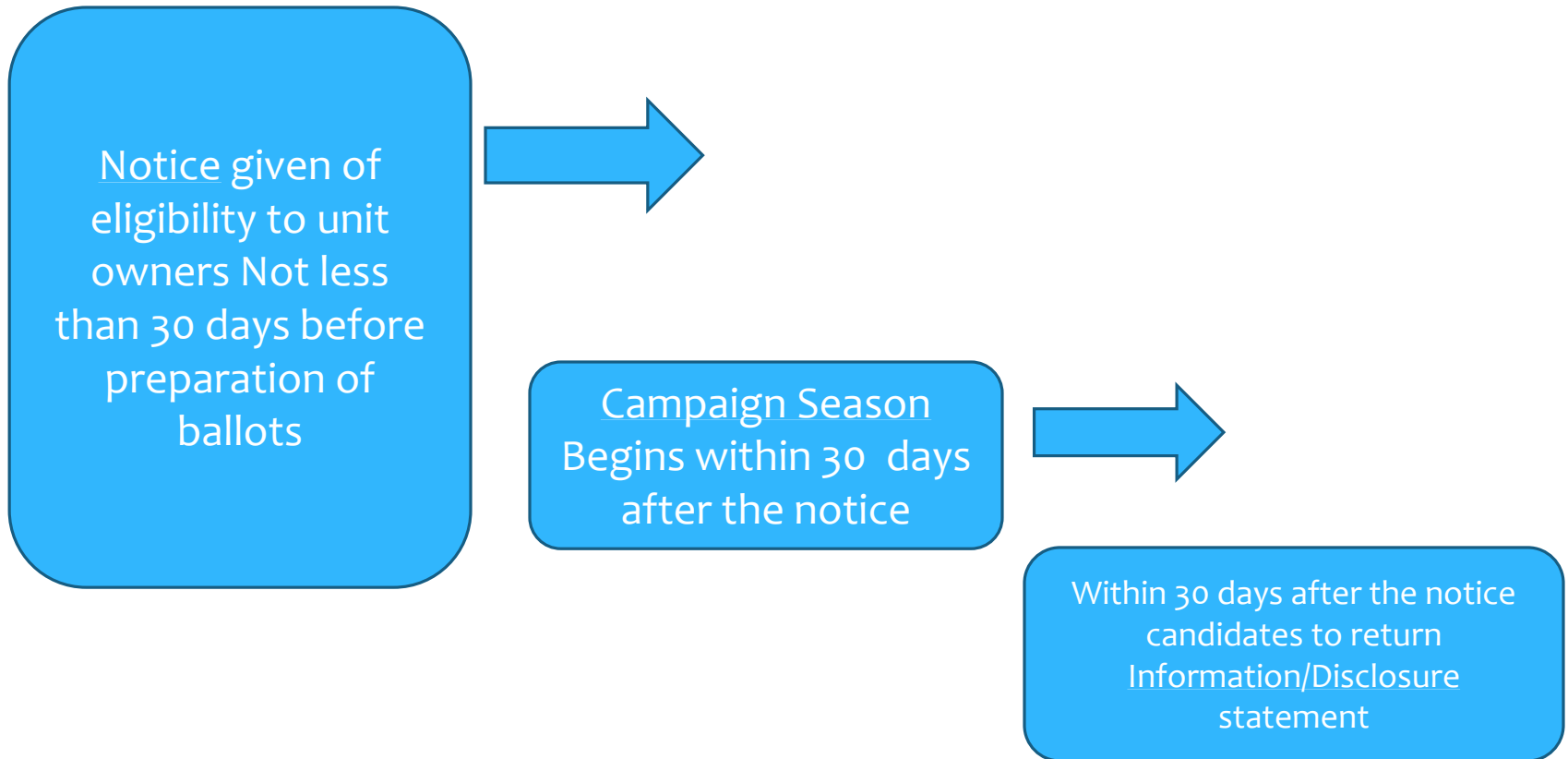
**NRS 116.31035 Publications containing mention of candidate or ballot question: Requirements; limitations.**

# Election Rules

- \* Bylaws define:
  - \* Number of directors
  - \* Director's powers & duties
  - \* Terms of office
  - \* Procedural Rules
- \* NRS requires
  - \* Minimum of 3 directors
  - \* Maximum of 3 years per term but no term limits
  - \* Staggered terms, roughly equal number per year



# Nevada HOA Election Process



# HOA Election Facts

## \* Deemed Duly Elected Decision

- \* Before sending out 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. Written election policy and added into meeting minutes.
- \* If the board elects this option and the number of candidates is **equal to or less** than the number of seats up for election then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:
  - \* (a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:
    - \* (1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and
    - \* (2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

# Deemed Elected

Send out nomination forms- allow 30 days to return  
Send out second nomination forms and allow 30 days to return (also stating on nomination form that if no additional people submit, deemed elected and no election)

Deemed elected

Send out additional notification that the members are deemed elected.

# HOA Election Facts

## Competitive Ballot election:

### Step 1: Prepare Ballots

- \*Eligible unit owners who provided disclosure statement are placed on the ballot

### Step 2: Mail Ballots

- \*Not less than 15 days before ballots are to be returned, the ballots and a return envelope must be sent via U.S. mail to each unit owner.

- \*The association must include the disclosure statement and any candidate informational statements.

# HOA Election Facts

## Competitive election:

### Step 3: Return Ballots

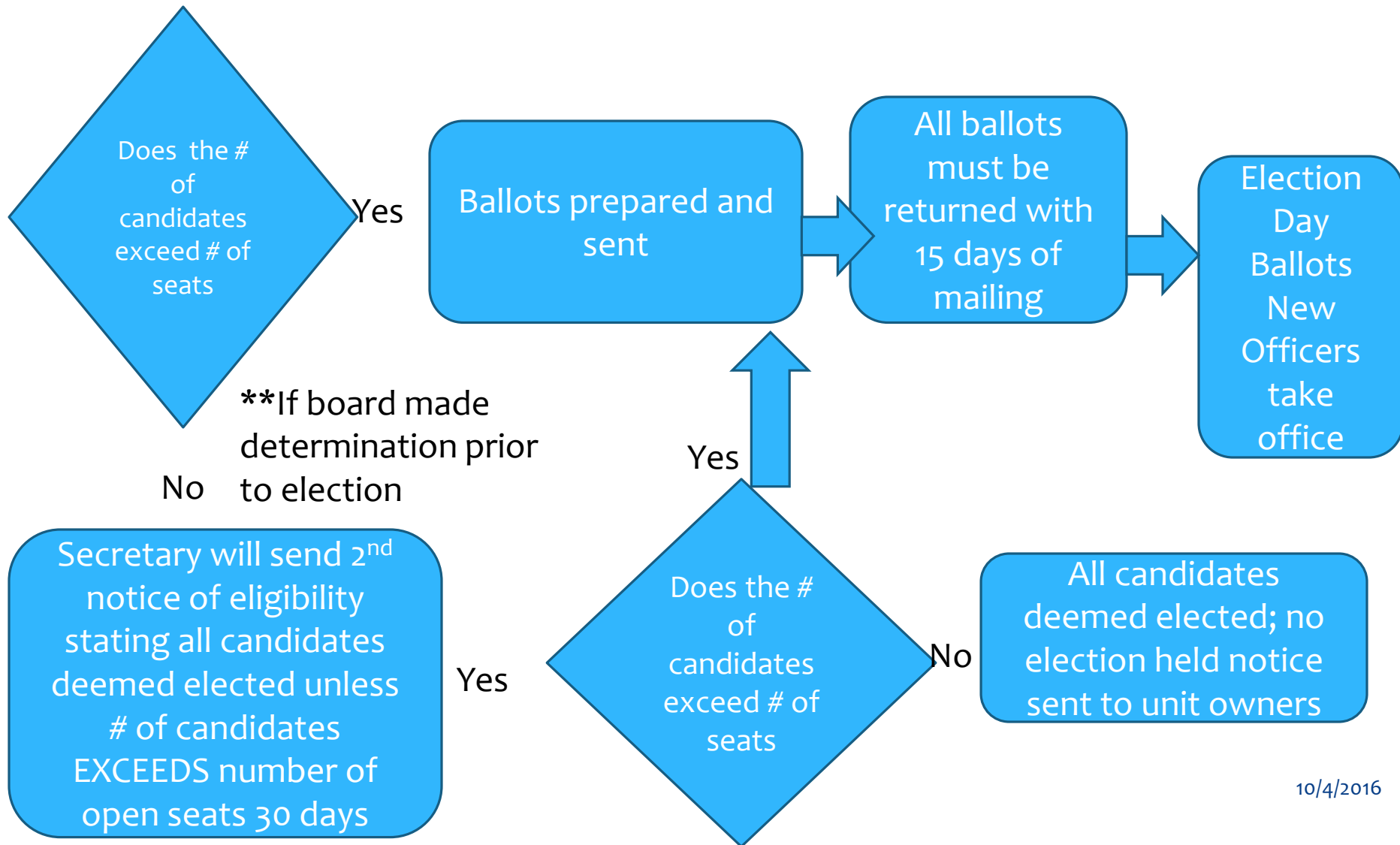
\*Each unit owner must be provided with at least 15 days after the mailing to return the ballot.

### Step 4: Count Ballots

Ballots must be opened and counted at a unit owners meeting. No quorum is required. Owners and board may observe counting but cannot be involved in counting if running for a position. Once results are official the ballots become association record and may be reviewed by all unit owners.

Officers are chosen by the board. (unless governing documents state otherwise)

# Nevada HOA Election Process





# FAQ –Board Vacancies between terms

What about Board Vacancies between terms?

Officers and members of the executive board:

(c) Elect members of the executive board, but unless the governing documents provide that a vacancy on the executive board must be filled by a vote of the membership of the association, the executive board may fill vacancies in its membership for the unexpired portion of any term or until the next regularly scheduled election of executive board members, whichever is earlier. Any executive board member elected to a previously vacant position which was temporarily filled by board appointment may only be elected to fulfill the remainder of the unexpired portion of the term. (NRS 116.3103)



# REMOVAL OF BOARD MEMBER

# HOA Election Facts

## Removal of Board member:

Unit owners may remove a member from the board, with or without cause, by obtaining signatures representing 10% (or lower if the governing documents allow) of units on a petition to request removal.

The petitions must be mailed return receipt requested, or served by process server to the board or community manager.

The board is to send out secret ballots not less than 15 days and not more than 60 days before the removal election. The steps are the same as a regular election.

A removal election must be completed within 90 days of the petition.

To succeed in favor of removal (both of following required!)

1. At least 35 percent of all unit owners; and
2. At least a majority of all the votes cast in the removal election

**NRS 116.31036 Removal of member of executive board.**

# Removal Examples

- \* In a 100-Unit HOA ...
- \* 100 unit associations- must have 35% return on ballots to start
- \* 0-34 ballots returned the person is **not removed** due to not enough ballots returned
- \* 35 ballots- for removal all ballots must cast votes in favor for removal
- \* 40 ballots- 35 ballots must cast votes in favor for removal (due to majority would be 21)
- \* 50 ballots – 35 ballots must cast votes in favor for removal (due to majority would be 26)
- \* 60 ballots- 35 ballots must cast votes in favor for removal (due to majority would be 31)
- \* 70 ballots- 35 ballots must cast votes in favor for removal and one additional (total 36 to remove)
- \* 80 ballots- 35 ballots must cast votes in favor for removal and additional 6 (total 41 ballots to remove)
- \* 90 ballots- 35 ballots must cast votes in favor for removal and additional 11 (total 46 ballots to remove)
- \* 100 ballots- 35 ballots must cast votes in favor for removal and additional 16 (total 51 ballots to remove)

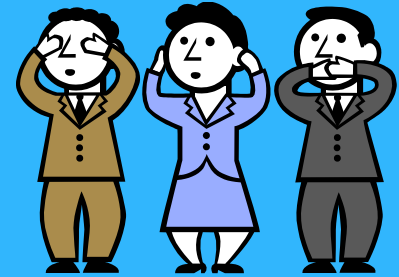


# Removal Examples

- \* In a 100-Unit HOA ...
  - \* 40 ballots returned: 35 in favor, 5 against – Pass
    - \* 35% and majority of votes cast voted to recall
  - \* 25 ballots returned: 24 in favor, 1 against – Failed
    - \* 35% level not reached even though a majority voted for removal
  - \* 70 ballots returned; 35 in favor, 35 against – Failed
    - \* 35% level reached but not a majority



# Avoiding Election Fraud



CURRENT DIRECTORS and CANDIDATES MUST NOT HANDLE BALLOTS

Community Managers typically conducts elections for the HOA

Nominations & Elections Committee

Owners NOT running for election

Independent inspectors/counters- CPA Firm

Tampering with the results of an election is:

A Class D Felony, punishable by 1 to 4 years in prison and up to a \$5,000 fine ( **NRS 193.130 Categories and punishment of felonies**)

**NRS 116.31107 Voting by units' owners: Prohibited acts; penalty.**  
Changing or falsifying a voter's ballot



*New Board members have reporting requirements once elected?*

TRUE or FALSE?

**NRS 116.31034** 15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to [NRS 116.31158](#).

# What is Cumulative Voting?

(Check your bylaws- some associations voted not to use.

## Cumulative Voting Defined

"Under cumulative voting, the number of votes each unit owner gets is based on the number of candidates available. "If you have five candidates for your board and you vote for only one person, that person gets five votes. If you vote for two candidates, each gets 2.5 votes. That allows minority shareholders—which has nothing to do with race, gender, or religion but means people who disagree with the majority of the board—are assured access at the table. They can put all their votes toward candidates that agree with them, making it more likely they'll have representation on the board, even if it's not a majority.

In short, under cumulative voting, you can give your vote more weight than if your association didn't have cumulative voting. "If five people are running for my board and I get five votes,".

"I can throw them all to one person."





# Q&A Elections

Q: Does NRS require the associations to list on the ballots if the association uses **cumulative voting**?

A: Yes – if cumulative voting is allowed by the documents the ballot should specify – this may be addressed in the bylaws





# Summary

# *HOA Election Highlights*

- ❑ **Bylaws specify the qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies**
- ❑ **The units owners shall elect an executive board of at least three members**
- ❑ **The governing documents of the association must provide for terms of office that are staggered in such a manner**
- ❑ **Notices of eligibility sent out/ secret ballot process**

# *HOA Election Highlights*

- ☐ **Candidates make a good faith effort to disclose any financial, business, professional or personal relationship or interest which would appear as conflict**
- ☐ **Unit owners elect directors and directors elect officers**
- ☐ **Married couples can not be on the board together; unless if the situation meets necessary criteria per NRS116.31034**

# *HOA Election Highlights*

- ❑ **The unit owner has 15 days from the postmark to return the ballots.**
- ❑ **A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.**
- ❑ **The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board 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 before those secret written ballots have been opened and counted at a meeting of the association.**

# *HOA Election Highlights*

- ☐ **The members of the executive board and the officers of the association shall take office upon election. The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations.**
- ☐ **Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability.**
- ☐ **NRS 116.31034 Election of members of executive board and officers of association NRS 116.31036 Removal of member of executive board**

# Questions

[www.red.nv.gov](http://www.red.nv.gov)

Phone:

702.486.4480/877.829.9907

Send questions to :

[OMBCLASSES@red.nv.gov](mailto:OMBCLASSES@red.nv.gov)

2501 East Sahara Ave, Suite 202, Las Vegas, NV 89104



# *Fast Reference Election Process*

**NRS 116.007 “Affiliate of a declarant” defined.**

**NRS 116.3106 Bylaws**

**NRS 116.31065 Rules**

**NRS 116.31068 Notice to units’ owners**

**NRS 116.3103 Power of executive board to act on behalf of association; members and officers are fiduciaries; duty of care; application of business-judgment rule and conflict of interest rules; limitations on power**

**NRS 116.31032 Period of declarant’s control of association; representation of units’ owners on executive board**

**NRS 116.31034 Election of members of executive board and officers of association; term of office of member of executive board; staggered terms; eligibility to serve on executive board; required disclosures; procedure for conducting elections; certification by member of executive board of understanding of governing documents and provisions of chapter.**

**NRS 116.31035 Publications containing mention of candidate or ballot question: Requirements; limitations.**

**NRS 116.3108 Meetings of units’ owners of association; frequency of meetings; calling special meetings; requirements concerning notice and agendas; requirements concerning minutes of meetings; right of units’ owners to make audio recordings of meetings.**



## *Fast Reference Election Process*

**NAC 116.385 Executive board: Submission to Division of contact information for members.**

**NRS 116.325 Right of units' owners to exhibit political signs in certain areas; conditions and limitations on exercise of right NAC 116.405 Executive board: Determination by Commission of whether members have performed their duties**

**NRS 116.31036 Removal of member of executive board.**

**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.**

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

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

**NRS 116.41095 Required form of information statement**

# Disclosures

The association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or; in the event ballots are not prepared and mailed pursuant to this subsection 6, in the next regular mailing of the association.

The association is not obligated to distribute any disclosure if the disclosure contains information that is believed to be defamatory, libelous or profane.

\*NRS states you must “disclose” good standing, it is recommended checking governing documents confirm your associations eligibility criteria.



## Special Notice to Unit Owners

NRS 116.31034

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:
- (a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:
    - (1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and
    - (2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.
  - (b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

# Notwithstanding Definition

<sup>1</sup> notwithstanding 

*preposition* | not·with·stand·ing | \,näť-with-'stan-din, -with-\

## Simple Definition of NOTWITHSTANDING

Popularity: Top 10% of word:

: without being prevented by (something)

## Full Definition of NOTWITHSTANDING

: **DESPITE** <*notwithstanding* their inexperience, they were an immediate success> —often used after its object <the motion passed, our objection *notwithstanding*>

# NRS 116.31032

1. Regardless of the period provided in the declaration, a period of declarant's control terminates no later than the earliest of:
  - (a) Sixty days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant or, if the association exercises powers over a common-interest community pursuant to this chapter

# Information Statement

NRS116.31034

13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, 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 a candidate informational statement.

The candidate informational statement:

(1) Must be no longer than a single, typed page;  
(2) Must not contain any defamatory, libelous or profane information; and  
(3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:



# Information Statement

NRS116.31034

13.B

The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.



# Information Statement

NRS116.31034

13.

II. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.





# Immune from criminal or civil liability

NRS116.31035

1. If an official publication contains any mention of a candidate or ballot question, the official publication must, upon request and under the same terms and conditions, provide equal space to all candidates or to a representative of an organization which supports the passage or defeat of the ballot question.
2. If an official publication contains the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and under the same terms and conditions, provide equal space to opposing views and opinions of a unit's owner of the common-interest community.
3. If an association has a closed-circuit television station and that station interviews, or provides time to, a candidate or a representative of an organization which supports the passage or defeat of a ballot question, the closed-circuit television station must, under the same terms and conditions, allow equal time for all candidates or a representative of an opposing view to the ballot question.
4. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 1, 2 or 3.
5. As used in this section:
  - (a) "Issue of official interest" means:
    - (1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, elections; and
    - (2) The enactment or adoption of rules or regulations that will affect the common-interest community.
  - (b) "Official publication" means:
    - (1) An official website;
    - (2) An official newsletter or other similar publication that is circulated to each unit's owner; or
    - (3) An official bulletin board that is available to each unit's owner.



# NRS 116.31034

1. Except as otherwise provided in subsection 5 of [NRS 116.212](#), not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at **least three members**, all of whom must be units' owners. The executive board shall **elect the officers** of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

- (a) Members of the executive board who are appointed by the declarant; and
- (b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection

# NRS 116.31032

(a) Sixty days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant or, if the association exercises powers over a common-interest community pursuant to this chapter and a time-share plan pursuant to [chapter 119A](#) of NRS, 120 days after conveyance of 80 percent of the units that may be created to units' owners other than a declarant;

**(b) Five years after all declarants have ceased to offer units for sale in the ordinary course of business;**

**(c) Five years after any right to add new units was last exercised; or**

**(d) The day the declarant, after giving notice to units' owners, records an instrument voluntarily surrendering all rights to control activities of the association.**

2. Not later than 60 days after conveyance of 25 percent of the units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant. Not later than 60 days after conveyance of 50 percent of the units that may be created to units' owners other than a declarant, not less than one-third of the members of the executive board must be elected by units' owners other than the declarant.

(Added to NRS by [1993, 2353](#); A [2001, 2490](#); [2011, 2433](#))

# NRS 16.31032

1. the declaration may provide for a period of declarant's control of the association
2. during which a **declarant**, or **persons designated** by a **declarant**, may appoint and remove the officers of the association and members of the executive board
3. A **declarant** may **voluntarily surrender the right** to appoint and remove officers and members of the executive board before termination of that period and
4. in that event, the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

# Images

## Voting members:

[https://www.google.com/search?q=elections&rlz=1C2OPRB\\_enUS609US609&biw=1653&bih=867&source=lnms&tbm=isch&sa=X&ved=0ahUKEwiFuvrd2-fOAhVB2mMKHRTcAxIQ\\_AUIBygC#imgrc=L51H3Yrq0X8y1M%3A](https://www.google.com/search?q=elections&rlz=1C2OPRB_enUS609US609&biw=1653&bih=867&source=lnms&tbm=isch&sa=X&ved=0ahUKEwiFuvrd2-fOAhVB2mMKHRTcAxIQ_AUIBygC#imgrc=L51H3Yrq0X8y1M%3A)

## Consanguinity chart:

<http://familypedia.wikia.com/wiki/Consanguinity>