



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
ADVISORY OPINION

Subject: Postage on Return Envelopes for Secret Written Ballots	Advisory No. 10-01	1 of 1 page
	Issued By:	Real Estate Division
	Amends/ Supersedes	N/A
Reference(s): NRS 116.31034 and NRS 116.30136	Effective Date: July 30, 2009	

STATEMENT OF ISSUE

Is the association required by law to pay postage on return envelopes for ballots, whether for board election or removal election?

ANALYSIS OF ISSUE

In reading the law in plain language, the phrase “prepaid by United States mail” is stating how a secret ballot and return envelope must be sent to each unit within the community or to the mailing address designated in writing by the unit’s owner. This means that the envelope containing the secret ballot and return envelope may not be sent by the association by way of Cash On Delivery and may not be left at the doorstep of the units.

A unit’s owner is not required to mail the ballot and return envelope back to the association. For the vote to be counted, the owner must simply “return the secret written ballot to the association” (NRS 116.31034(8)(b)) within the specific time. It is, however, inferred that the secret written ballot is returned in a sealed envelope. The statute states that the secret written ballots must be “opened and counted at a meeting of the association” (NRS 116.31034(8)(e)).

ADVISORY CONCLUSION

Whatever ballot is mailed by the association – whether for a board election or a removal election – must be mailed pre-paid by United States mail. There is no statutory requirement that an association provide for or pay for postage for any return ballot.

An association, however, *may* decide to provide for or pay return postage for a ballot at the board’s sole discretion.

The statements in this opinion represent the views of the Division and its general interpretation of the provisions addressed. It is issued to assist those involved with common interest communities with questions that arise frequently. It is not a rule, regulation, or final legal determination. The facts in a specific case could cause a different outcome.