



Inspectors of Election

- Appoint early in the election process.
- Inspectors can be (1) or (3) in number.
- Who Can Serve as Inspector?
 - Independent third-party
 - Volunteer poll worker
 - County Register of Voters
 - A licensee of the CA Board of Accountancy
 - Notary Public
 - A member of the Association

Inspector Functions

- Determine number memberships entitled to vote.
- Determine the authenticity, validity and effect of proxies.
- Receive Ballots.
- Hear and determine all challenges and Questions in connection with the right to vote.
- Determine when polls close.
- Determine the tabulated results
- All other acts as may be proper to conduct the election with fairness to all members

Note: Inspectors of Election may delegate to management to be the recipient of or the Ballot collector on behalf of the Inspectors of Election.

Election By Acclamation

The Association must provide Individual notice of the election and the procedures for nominating candidates as follows:

- Initial Notice to Members at least (90) days before deadline for submitting nominations.
- Number of Board positions that will be filled.
- Deadline for submitting nominations.
- The manner in which nominations can be submitted.
- A statement that if, at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are board Positions to be filled, then the Board *may*, after voting to do so, seat the qualified candidates by acclamation without balloting.

Acclamation Continued

- In addition, the Association must provide a reminder notice between seven (7) and thirty (30) days before the deadline for submitting nominations. The Reminder must include all the following:
 - (a) The number of board positions to be filled at the election.
 - (b) The deadline for submitting nominations.
 - (c) The manner in which nominations can be submitted.
 - (d) A list of the names of all the qualified candidates to fill the Board positions as of the date of the reminder notice.
 - (e) A statement reminding the members that if at the close of the time period for making nominations, there are the same number or fewer qualified candidates as there are Board positions to be filled, then the Board of Directors may, after voting to do so, seat the qualified candidates by acclamation without balloting. This statement is not required if, at the time that the reminder notice will be delivered, the number of qualified candidates already exceeds the number of Board positions to be filled.
- Further, the Association must provide, within (7) business days of receiving a nomination, a written or electronic communication acknowledging the nomination to the member who submitted the nomination and a communication to the nominee indicating either of the following (1) The nominee is a Qualified candidate for the board or (2) the nominee is not a qualified candidate for the board.

Acclamation Continued

- Finally, if all of the above has been satisfied, the Association's Board then votes to consider the qualified candidates to be elected by acclamation at a duly noticed meeting pursuant to Article 2 (commencing with Section 4900) for which the agenda item reflects the name of each qualified candidate that will be seated by acclamation if the item is approved.
 - It is important to note that if the Association's governing documents allow for nominations from the floor or write in candidates on the ballot, the election by acclamation is inapplicable.
 - There is no obligation to amend your Association Bylaws or Election Rules so as to allow election by acclamation since it is statutorily permitted pursuant to Civil Code Section 5103 regardless if it is included in your Association Bylaws or Election Rules.
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Recall of members of the Board of Directors

A recall arises when a petition signed by 5% or more of the membership seeks a special meeting to remove one or more members of the Board of Directors.

Once a petition signed by 5 percent or more of the membership is presented to the Board, the Board is under strict timelines to schedule a recall meeting.

The meeting must be noticed within 20 days of receipt of the petition. The recall must be conducted in no less than 35 and no more than 150 days.

