

Understanding the California HOA Election Process



PACKARD
MANAGEMENT GROUP

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Why Election Preparation Matters

Annual elections are one of the most important governance functions in a community association. Elections inform board composition and set the tone for community leadership. If election procedures are not followed correctly, results can be challenged or invalidated, exposing the association to legal disputes, additional costs, and governance paralysis. California's Davis-Stirling Act provides detailed statutory requirements for nomination notices, elections, secret ballots, and vote tabulation.

Secret Ballot Requirement

Civil Code §5100 requires that elections for directors be conducted by secret ballot in accordance with statutory procedures. Election rules must be adopted that describe the ballot process, inspector selection, and ballot handling.

Timeline Overview

In California, there are three key notices boards must plan and schedule for regular board elections. Generally, these notices should be spaced roughly 30 days apart to allow proper member notification and participation:

Call for Candidates / Nomination Period

- The association must provide general notice of the procedure and deadline for submitting nominations at least 30 days before the deadline to submit nominations.
- Election rules should outline how candidates can submit their nominations, what qualifications are required, and how to submit.
- Many associations begin the nomination period 90 days before the election to allow sufficient time for candidates to announce and for notices to be distributed.

Notice of Election and Candidate List

- At least 30 days before ballots are distributed, the association must send a general notice of the election. This notice must include:
 - The date and time by which ballots must be returned.
 - The location where ballots will be returned if applicable.
 - The date, time, and place where ballots will be counted.
 - The list of all qualified candidates whose names will appear on the ballot.
 - This notice serves as the formal announcement of the election and confirms who is running.

Ballot Mailing / Distribution

- Ballots, two envelopes, and instructions must be mailed or otherwise delivered to members at least 30 days before the voting deadline.
- Ballots must include clear instructions on how to return the ballot. If the election rules are posted on the community website, the ballot may include a statement indicating where to find those rules in at least 12-point type.

Understanding the California HOA Election Process

Because each mailing is triggered off the next, the entire process from nomination notice to ballot mailing typically spans at least approximately 90 days. Giving yourself extra time reduces the risk of missing statutory deadlines and ensures members have adequate opportunity to participate.

Inspector of Elections

The board must appoint one or three independent inspectors of elections early in the process. Inspectors oversee ballot handling, verify voter eligibility, and tabulate results in public at a properly noticed open meeting. Inspectors must be independent from candidates and board management services.

Practical Election Preparation Checklist

- Set the election date and voting deadline early in the year and align it with budget and annual meeting planning.
- Issue the call for candidates / nominations notice at least 30 days before nominations close. Begin the process ideally about 90 days before the election.
- Confirm candidate qualifications and assemble the candidate list well before ballots are mailed.
- Send the election notice at least 30 days before ballots are mailed.
- Mail or deliver ballots with instructions at least 30 days before the voting deadline.
- Plan for quorum and tabulation procedures so that ballots are counted at the open meeting as required by law.
- Ensure post-election reporting by notifying members of results within the time frames required by Civil Code and recording results in meeting minutes.

Common Mistakes to Avoid

- Sending notices too close together can violate Civil Code timing requirements and lead to legal challenges.
- Failing to include all candidate names on the ballot notice accurately.
- Not providing adequate instructions or explaining how ballots should be returned.
- Appointing inspectors after ballots are mailed.

How Packard Can Help

PMG helps boards plan a compliant election timeline, prepare clear notices, coordinate independent inspectors, and build ballots and return envelopes that meet all statutory requirements. Our goal is a transparent, defensible, and stress-free election process for the association and its members.

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