



***Encina Royale Incorporated***

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**April 21, 2022**

**RE: General Notice of Legislative Change to CA HOA Election Law**

**Election by Acclamation:** Assembly Bill 502 (Amending Section 5100 of the Civil Code and adds Section 5103)

California AB 502 permits elections by acclamation for all Associations when the number of candidates is equal to or less than the number of open Board seats. Starting in 2022, all Associations will have the option of utilizing an acclamation procedure to seat qualified members to its Board. This process is subject to specific notice and related procedural requirements, including:

- 1) Associations are still required to hold a “regular election” at least once every three (3) years that adheres to a secret ballot process.
- 2) Associations are required to provide additional individual notices to each of the members about the potential use of the acclamation procedure, including:
  - a. An initial notice at least 90 days before the deadline for submitting nominations (on/or before May 4, 2022).
  - b. A reminder notice between 7 and 30 days before the deadline for submitting nominations (on or before July 4 -July 28).
- 3) The Association is also required to send a written or electronic communication notice within seven (7) business days of receipt of any nomination confirming receipt to the member who submitted the nomination. The Association must also provide notice to the nominee of whether he or she is a qualified candidate and, if not, the basis for disqualification and procedures for appeal.

Thereafter, a special meeting with Board members is held where the agenda must reflect the name of each qualified candidate proposed to be seated by acclamation. At that time, the Board votes whether to approve the election of the slate of candidates by acclamation.

**Declarations by the Encina Royale Homeowner’s Association**

1. Total number of available Board seats for election: Eight (8) Director positions;
2. Deadline for submitting a nomination form for Director to the Association: August 04, 2022; 4 p.m.
3. Submission of nominations: By USPS mail or in-person to the ERI Office; electronic submissions not accepted; all submissions must be received by the deadline (above);
4. 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.