

SB 195 AND ACCLIMATION

NRS 116.31034 WAS CHANGED TO THE FOLLOWING THIS YEAR:

4. Not less than 30 days before the preparation of a ballot for 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 place on the ballot along with the names of the nominees selected by the members of the executive 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 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership son the executive board, the number of candidates nominated for4 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:

- (a) The association will not prepare or mail any ballots to units' owners pursuant to this section; and
- (b) The nominated candidates shall be deemed to be duly elected to the executive board at the meeting of the units' owners at which the ballots would have been counted pursuant to paragraph (e) of subsection 15.

6. If the executive board makes the determination set for in subsection 5, the secretary or other officer specified in the bylaws of the association shall disclose the determination and the provisions of subsection 5 with the notice given pursuant to subsection 4.

7. If, at the closing of the prescribed period for nomination for membership on the executive board, the number of candidates nominated for membership on the executive board is less than the number of members to be elected to the executive board at the election, the executive board may fill the remaining vacancies on the executive board by appointment of the executive board at a meeting of the executive board held after the candidates are elected pursuant to subsection 5. Any such person appointed to the executive board shall serve as a member of the executive board until the next regularly scheduled election of the members of the executive board. An executive board member elected to a previously appointed position which was temporarily filled by board appointment pursuant to this subsection may only be elected to fulfill the remainder of that term.

Notes from Sara: The rest of that statute section remained the same with only slight number changes to make it fit into the statute correctly.

Two things to pay special attention to before mailing out any voting materials:

1. The Board must determine at a board meeting that they want to use the acclimation process and put it in the minutes. I would put a resolution in there that says something like, "Until otherwise changed by a future majority of the board of directors, the board has determined that the use of voting by acclimation shall be used if the number of candidates is equal to or less than the openings to save on the cost of mailing out ballots when regardless of the vote, these candidates will be placed onto the board. "
2. Set the Record Date on who can vote should a house be in escrow; the seller or the buyer?