



Community — We built a company around it.

IMPORTANT NOTICE

October 7, 2024

RE: CLIENT ALERT: NEW ELECTION LAW THAT WILL IMPACT YOUR COMMUNITY

As you may know, Assembly Bill 2159 (“AB 2159”) passed this year and can impact your Association. AB 2159 will take effect beginning January 1, 2025, and we want you and your community to be prepared.

ELECTRONIC VOTING

Under AB 2159, associations may conduct elections through electronic voting. This means that the association no longer has to go through the time and expense of preparing and tracking physical secret ballots. However, in order to implement electronic voting, AB 2159 requires certain criteria to be met.

For electronic voting to be used, associations will need to amend their election rules to allow for electronic voting. With these updated election rules, other items will need to be addressed as well. For example, the rules must provide specific procedures for members to follow, in order to “opt in” or “opt out” of electronic voting. Then, depending on whether members opt in or opt out of electronic voting, AB 2159 establishes notice and voting procedures which the association must follow. For example, if a member “opts out”, a written secret ballot can still be used, in accordance with all existing requirements for written secret ballots. These procedures must be included in the rules. The election rules should also make clear that, consistent with AB 2159, any electronic ballots cast are irrevocable once transmitted electronically.

The *Civil Code* requires all associations to have election rules in full force and effect.* **Should the election rules not include electronic voting procedures, *electronic voting may not be used in future elections!***

**Keep in mind that under Civil Code Section 5105, the Election Rules cannot be amended less than ninety (90) days prior to an election. If your election is within ninety (90) days, note that your previous Election Rules (if any) will still govern that election.*

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