

The 2021-2022 FMOA

Board of Directors Election Results

At the Annual Meeting Saturday, July 10, 2021, (4) new Board members were elected in an “Uncontested Election”.

****To further explain an *Uncontested Election*, the following information has been taken directly from the

Adams-Stirling website:

1. Ballots Are Required. Those who believe that ballots must be mailed, returned, and counted, even if the outcome is already known, cite the language in [Civil Code §5100\(a\)](#): "Notwithstanding any other law or provision of the governing documents...election and removal of directors... shall be held by secret ballot in accordance with the procedures set forth in this article."
2. Ballots Are Not Required. Dispensing with balloting in uncontested elections is not prohibited by California law. The law does not require idle acts nor does it favor form over substance. ([Civ. Code §3532](#); [Civ. Code §3528](#); *Letitia V. v. Superior Court*(2000) 81 Cal.App.4th 1009, 1016.) [Civil Code §5100\(a\)](#) requires balloting only if an election requires a vote. If the election is uncontested, there is no need for a vote. No balloting is necessary in uncontested elections since the candidates are elected by operation of the association's governing documents. Robert's Rules of Order provides for uncontested elections in meetings:

If only one person is nominated and the bylaws do not require that a ballot vote be taken, the chair, after ensuring that, in fact, no members present wish to make further nominations, simply declares that the nominee is elected, thus effecting the election by unanimous consent or “acclamation. ([Robert's Rules](#), 11th ed., p. 443.)

There is very little chance that a legal challenge would be successful since [Civil Code §5145\(a\)](#) allows an association to prevail if it can establish by a preponderance of evidence that “the association’s noncompliance with this article [balloting] . . . did not affect the results of the election.” If write-ins are not allowed and the number of candidates is less than or equal to the number of open seats, the outcome of the election never changes. Therefore, dispensing with balloting does not affect the outcome of an uncontested election.

Associations With 6,000 Units. The legislature removed ambiguity for associations with 6,000 or more units. Beginning January 1, 2020, associations of that size do not need to amend their bylaws to dispense with balloting when an election is uncontested. ([Civ. Code §5100\(g\).](#))

****Your (4) new Board members are Eric Davis, Allen Dodson, Darcie Leone, and Herb Pike.

Board Positions:

President – Sharon Ritchie

Vice President – Mike Benapfl

Treasurer – Eric Davis [click here](#) for the Candidate Statement for Eric Davis

Secretary – Frank Ross -

Director – Allen Dodson - [click here](#) for the Candidate Statement

Director – Darcie Leone - [click here](#) for the Candidate Statement for Darcie Leone

Director – Herb Pike - [click here](#) for the Candidate Statement for Herb Pike