

E K M A R K & E K M A R K, L.L.C.

ATTORNEYS AT LAW

Many associations hold their annual meetings during the first few months of the year. By now, most associations have become familiar with the Arizona statutes requiring associations to give members the opportunity to vote on all matters in person at a meeting and by absentee ballot. However, issues may still arise in relation to the use of absentee ballots. For example, a member may change his or her mind after submitting a ballot and wish to modify the ballot to vote for a different candidate prior to the election. The Non-Profit Corporation Act provides that written ballots are irrevocable. Accordingly, a member cannot revoke his or her absentee ballot after it has been cast. To make this clear to the members, we recommend that language be placed on all absentee ballots stating "This ballot is irrevocable once submitted."

If you have any questions, please do not hesitate to contact us at (480) 922-9292.

The information contained in this Homeowners Association Tip of the Week© is for informational purposes only and is not specific legal advice or a substitute for specific legal counsel. Readers should not act upon this information without seeking professional counsel.

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