

The Board of Directors (“**Board**”) of the Stagecoach Estates Lot Owners Association (“**HOA**”) has asked me to review a request from one of the candidates running for a position on the Board that all other candidates provide a disclosure of any “ownership or business interests in any real property along Bitner Ranch Road or abutting any roads running through Stagecoach Estates Subdivision.”

The HOA’s elections should be conducted as required under the HOA’s current Bylaws. The qualifications for HOA officers and members of the Board are identified in Article VI and Article VII of the Bylaws. Those sections do not appear to require any particular business or property ownership disclosure in connection with a campaign for office. Article X addresses HOA elections. That article does not contain a requirement for a business or property ownership disclosure in connection with a person’s candidacy. One purpose of having Bylaws and other governing documents is to establish the rules by which elections and other HOA matters are conducted. The HOA’s current Bylaws do not require candidates to make the requested disclosure.

In addition to the Bylaws, I’ve reviewed the Utah Community Associations Act, Utah Code § 57-8a-101, et seq. and the Utah Revised Nonprofit Corporation Act, Utah Code § 16-6a-101, et seq. Neither statute requires the requested disclosure in connection with an election for office.

Of course, all candidates are free to voluntarily make disclosures of any sort. However, I am not aware of any legal basis for the HOA or the Board to require that candidates make the specific disclosures requested.

Please feel free to contact me with any additional questions.



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