

CANDIDATE BIOGRAPHIES-The Difference between Candidate Biographies and Candidate Statements*

Candidate Bio. As part of the election package to the membership, associations may (but are not required to) include candidate bios and pictures. The content of candidate bios should be limited to information about the candidates only and not allow advocating or campaigning in their candidate bio.

Candidate Statements/Campaigning. Campaigning may be done by all candidates (including directors) separately from the election package mailed to the membership. If candidates are allowed to advocate or campaign in their candidate bios, it creates the following potential problems:

- Defamatory statements by candidates may open the association to litigation (even though the association should be able to defeat the claim, it must still endure the litigation). The association is prohibited from editing or redacting material that advocates a point of view about the election (Civ. Code §5105(a)).
- The other candidates may demand rebuttal statements in the same mailing; and material advocating a point of view about the election mailed at the association's expense opens the door to equal access by all members who want materials mailed at the association's expense.

*Information obtained directly from the Davis-Stirling website