



**Effective: July 1, 2006**

West's Annotated California Codes [Currentness](#)

Civil Code ([Refs & Annos](#))

Division 2. Property ([Refs & Annos](#))

Part 4. Acquisition of Property

Title 6. Common Interest Developments ([Refs & Annos](#))

▣ [Chapter 4. Governance \(Refs & Annos\)](#)

▣ [Article 2. Elections and Meetings \(Refs & Annos\)](#)

→ **§ 1363.09. Remedies**

(a) A member of an association may bring a civil action for declaratory or equitable relief for a violation of this article by an association of which he or she is a member, including, but not limited to, injunctive relief, restitution, or a combination thereof, within one year of the date the cause of action accrues. Upon a finding that the election procedures of this article, or the adoption of and adherence to rules provided by Article 4 (commencing with [Section 1357.100](#)) of Chapter 2, were not followed, a court may void any results of the election.

(b) A member who prevails in a civil action to enforce his or her rights pursuant to this article shall be entitled to reasonable attorney's fees and court costs, and the court may impose a civil penalty of up to five hundred dollars (\$500) for each violation, except that each identical violation shall be subject to only one penalty if the violation affects each member of the association equally. A prevailing association shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

(c) A cause of action under [Section 1363.03](#) with respect to access to association resources by a candidate or member advocating a point of view, the receipt of a ballot by a member, or the counting, tabulation, or reporting of, or access to, ballots for inspection and review after tabulation may be brought in small claims court if the amount of the demand does not exceed the jurisdiction of that court.

CREDIT(S)

(Added by [Stats.2005, c. 450 \(S.B.61\), § 5, operative July 1, 2006.](#))

Current with urgency legislation through Ch. 1 of the 2009 Reg.Sess., Ch. 12 of the 2009-2010 2nd Ex.Sess., and Ch. 20 of the 2009-2010 3rd Ex.Sess.

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