



Electing Board Members

Community associations are democratic entities governed by boards elected by homeowners. Proper election procedures are essential to the successful operation of the community.

SEEK NOMINATIONS

Most associations' governing documents specify how candidates should be nominated for election—usually by a nominating committee, taking nominations from the floor at the annual meeting, and/or writing in candidates' names on ballots. Boards of associations whose documents don't address this process should implement procedures and safeguards.

CONDUCT THE ELECTION

Conducting an election should be free of cumbersome procedures. Elections should be conducted as early in the meeting as possible so the results can be tabulated as the meeting progresses and the winners announced at the end.

APPOINT INSPECTORS

Inspectors of elections certify that elections are conducted fairly and that results are accurate, either by observing or carrying out the process of collecting and tabulating ballots. Generally, three neutral people who have no interest in the outcome are appointed.

INTRODUCE CANDIDATES

Candidates should be allowed to present their qualifications and platforms to the members in writing (as a personal letter sent to all owners, an article in the association newsletter, or a statement posted on the association website), in person at a special meeting where owners may see and hear the candidates and ask questions, and in person at the annual meeting just prior to the election.

CONDUCT THE ELECTION

During the annual meeting, give members sufficient time to mark, fold, or seal their ballots; then collect ballots in a secure manner.

All votes—except those on minor or procedural issues—should be recorded by written ballot. This safeguards the integrity of the vote by creating a permanent record.

VOTING BY BALLOT OR PROXY

A proxy is the written authorization that allows one person to appoint another (the proxy holder) to vote on his or her behalf. State law and the association's governing documents specify whether an association can use proxy voting, and they may address the type (general or directed), form, and content of the proxy. Associations should consult their attorneys to ensure their proxy procedures are legitimate.

TOOLS 9.1–9.2: *Refer to the Sample Proxy Form and Proof of Notice at the end of this section as examples; however, consult your attorney to be sure you are in compliance with state statutes.*

TABULATING THE VOTE

No matter how the association tabulates the ballots (by hand, with a calculator, or using a computer) make sure everyone understands the correct procedures and involve more than one person.

Every association should review its documents to determine how to count votes. Generally, the voting scheme and the assessment scheme are the same: if every unit or lot pays an equal share, each gets one vote; if the assessment is based on percentage interest, so is the vote.



Cautions

Nominations from the floor disenfranchise members who already voted by proxy or absentee ballot. It's important to ensure your nomination process is conducted properly to avoid recalls.

Many association governing documents require that inspectors of election be appointed from among the owners present at the annual meeting. It's important for the meeting chair to appoint them even if it's not required; otherwise, the legitimacy of the election may be open to challenge.

In some association elections, candidates may invite several people to endorse them publicly during the annual meeting, while other candidates will be more modest. It's important not to condone this form of electioneering during an official meeting.

In some cases, association members may be ineligible to vote. It's important to be diligent when denying an owner the right to vote since voting is a right bestowed by the association's governing documents and state statute.

Check your state's laws regarding elections.



FOR MORE HELP

Available online at www.caionline.org/bookstore.cfm or call (888) 224-4321 (M–F, 9–6:30 ET).

Guide to Annual Meetings, Special Meetings & Elections, Guide for Association Practitioners #21. By P. Michael Nagle. (Community Associations Institute, 1999.)

To download a PDF of the entire Board Member Tool Kit, go to www.caionline.org/toolkit.

