

BALLOTS AND ENVELOPES

The ballot must list all eligible candidates in alphabetical order by last name and must not indicate whether any candidates are incumbents. No write-in candidates are permitted. Additionally, the ballot must not have a space for the voter's signature. Except in an association where all units are not entitled to one whole vote (fractional voting) or where all units are not entitled to vote for every candidate (class voting), all ballot forms must be uniform in color and appearance. In the case of fractional voting all ballot forms utilized for each fractional vote must be uniform in color and appearance. If class voting is used, all ballot forms for a given class must be uniform in color and appearance.

When the second notice of election is given to the unit owners, the association must provide each unit owner with at least one outer envelope and with one inner envelope and one ballot for each unit owned by that owner. The inner and outer envelopes are for returning the completed ballots and ensuring secrecy in voting. Each smaller, inner envelope is to contain one completed ballot and is not to have any identifying markings on it. The larger, outer envelope is to be pre-addressed to the person or entity authorized to receive the ballots on behalf of the association. The outside of this envelope must have a place for the name of the eligible voter, the unit identification(s) and the voter's signature. Once the eligible voter completes the ballot the voter places it inside the inner envelope and seals it. The inner envelope is then placed inside the outer envelope and also sealed. An owner of more than one unit may place several inner envelopes in a single outer envelope, but each inner envelope may contain no more than one ballot. The owner then writes the number(s) of his or her unit(s) and signs the outside of the outer envelope. The sealed envelope may either be mailed or hand delivered to the association. Once received by the association, no ballot may be rescinded or changed. Such envelopes received by the association are not to be opened until the election meeting.

It is important to note that, for a regular election, balloting is not necessary to fill any vacancy unless there are two or more eligible candidates for that vacancy. If there are not more candidates than vacancies, then, not later than the date of the scheduled election, the association must hold a meeting of the unit owners to announce the names of the new board members or notify the unit owners of the names of the new board members, or that one or more board positions remain unfilled, as appropriate under the circumstances. In the alternative, the announcement may be made at the annual meeting.

CONDUCTING YOUR ELECTION

The election of the board members must take place the same day and place as the annual meeting. Your documents should indicate when your annual meeting is to take place. In condominiums, unless otherwise provided in the associations bylaws, the annual meeting and election shall be held within 45 miles of the condominium property. A quorum is not required to hold the election; however, at least 20 percent of the eligible voters must cast ballots in order for the election to be valid. The association must have additional blank ballots available at the election for distribution to eligible voters who have not yet voted. These ballots must be handled in the same manner as if previously submitted, using both the inner and outer envelope and signing the exterior of the outer envelope.

As the first order of business at the election meeting the ballots not yet cast are collected. All ballots, whether submitted prior to the election or turned in at the election must be handled by an impartial committee at the election meeting. The impartial committee, which is appointed by the board of directors, must not include current board members or their spouses, officers or their spouses or candidates for the board or their spouses. The committee must check the signature and unit identification on the outer envelope against a list of qualified voters. When the voter's name is found on the list, the voter's name is checked off as having voted. Any outer envelope not signed by someone on the list of eligible voters is marked "disregarded" and any ballots inside it are not counted. The business of the annual meeting may continue during this process.

The impartial committee may, but is not required to, check outer envelope information prior to the election meeting. Notice that the committee will meet for this purpose must be posted at least 48 hours in advance. The meeting must be open to all unit owners and must be held on the day of the election.

After all of the envelope information has been verified and the eligible voters' names checked off the roster, the outer envelopes may be opened. As soon as the first outer envelope is opened the polls must close and no more ballots may be accepted. The inner envelopes are first removed from the outer envelopes (that were not disregarded) and placed in a receptacle. Then the inner envelopes are opened and the ballots are removed and counted in the presence of the unit owners. Any inner envelope containing more than one ballot is marked "disregarded" and the ballots contained inside are not counted. All envelopes and ballots, whether disregarded or not, must be retained with the official records of the association.

TIE BREAKER

In the event of a tie the association must conduct a runoff election for the candidates who tied unless the bylaws provide a different method for deciding tie votes. If a runoff election is required it must be held not less than 21 days or more than 30 days after the date of the election at which the tie occurred. Within seven days of the election at which the tie vote occurred the board must mail or personally deliver to the voters a notice of the runoff election. The notice must inform the voters of the date the runoff election is scheduled to occur, include a ballot conforming to the requirements of the regular election ballot and include copies of any candidate information sheets previously submitted by the candidates involved.

All envelopes and ballots, whether disregarded or not, must be retained by the association for one year.