



HOA Elections

A Guide to Managing the
Election Process at Condo
and Homeowner Associations

NEW
2nd Edition

**100% New
and Updated!**

An Exclusive Special Report from **HOAleader.com**

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About HOAleader.com

HOAleader.com's attorney editors and experienced journalists constantly research the latest developments in HOA law affecting homeowner and condominium associations across the U.S. Then we publish plain-English analyses of what those developments mean to you as an HOA leader, and what you need to do now to comply with HOA laws, steer clear of legal trouble, avoid or resolve conflicts within your homeowners association, make HOA management easier, and safeguard your community association's property values and quality of life.

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The screenshot shows the HOAleader.com website. At the top, the logo "HOAleader.com" is displayed with the tagline "THE PRACTICAL GUIDE TO HOMEOWNER ASSOCIATION MANAGEMENT". Navigation links include "Join", "Membership", "About Us", "Contact Us", and "Login". Below the navigation bar are links for "Topics", "Resources", and "Discussion Forum", along with a search bar. A section titled "HOAleader.com Tip of the Week" offers to deliver the latest news and tips directly to the user's inbox. Below this is a form with "Name" and "Email" fields and a "Send Me FREE Tips" button. The main content area features the headline "Practical guidance for homeowners association management" and the subtext "Plain-English advice, analysis and tools to save time, money and headaches". Three orange buttons labeled "Webinars", "Articles", and "Special Reports" are prominently displayed. At the bottom, a call to action states: "Start your free trial to join 8,000+ HOA leaders nationwide who rely on our easy-to-follow guidance."

A Message from the President

Dear HOA Leader,

In this report, you'll discover tips from our editorial team and experts from across the country on HOA elections, including on how to plan, properly notice, and execute your HOA election. These are tips you can begin implementing immediately to make your elections run more smoothly and withstand challenges from disgruntled homeowners.

In these pages, you'll find:

- An overview of the election process from start to finish
- A summary of what you need to know to provide adequate notice, including how to time it properly
- Tips on who can vote and how
- An explanation of quorum requirements and how various states and condos and HOAs are dealing with meeting and election apathy
- What proxies are and why they're divisive
- Who can serve on the board
- Do's and don'ts to help you ensure a smooth election
- Sample forms
- And much more

As always, when it comes to issues of legal compliance for HOAs, it's important to remember that each state has its own rules, and you should consult with an attorney or other professional as to the appropriate steps for your specific situation. Our goal for this report, as for all HOAleader.com information products, is to help make your association a better run organization and help make you a better leader for your community.

I'm confident you'll find concrete ideas you can put to work in your condo or homeowners' association, provided in our characteristic clear, plain English. To find more HOA governance tips, visit HOAleader.com today.

Best regards,



Matt Humphrey

President

Plain-English Media

Publisher of HOAleader.com

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Running Elections Like a Pro: Your HOA Board's Cheat Sheet

How important are your condo or HOA's [elections](#)? In a word, very.

"In your typical HOA, other than special assessments, board elections are one of the very few times owners have a direct say in how things are going to go," says [Todd Skowronski](#), an associate at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan. "You're [voting](#) for who you want to be your voice on most matters."

But elections—and let's be clear here: owners are voting on which owners in the community will become board members running your community—are a legal process that involves set timeframes and procedures. Errors in that process can invalidate your election and cost your association tons of money on a redo, plus place a dent in your owners' confidence in your board's ability to run your condo or HOA effectively. So, planning for your annual election meeting is critical.

Here are five steps to ensure transparency, integrity, and a rock-solid outcome.

1. Do your homework on the rules governing the process. "The number one thing to understand is your state's statute, which is at the top of the hierarchy in terms of sources of authority," says [Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients. "Then review election rules in your [governing documents](#), such as the declaration and [bylaws](#). If there are any conflicts between the governing documents and the statute, contact your association's attorney." Also be aware of any statutory differences for HOAs versus condo associations.

"Typically, elections are required to be held annually," Skowronski says. Your state statute and governing documents will have provisions on when to hold them, how often, and when you're supposed to [notify owners](#).

"Some bylaws have a prescribed date or month or time when you have to hold the annual meeting," notes [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California. "Some bylaws are loosey goosey, where the board just picks it. But you don't want to have 18-month gaps between elections. You need to try to keep your elections as close to the same time as possible each year."

Finally, because an election typically takes place during an annual [members' meeting](#), remember that you need to handle routine meeting activities, too. So, review what happened at the last annual meeting, suggests [Zuly Maribona](#), senior vice president with KW Property Management & Consulting, based in Bonita Springs, Fla., who oversees about 20,000 units in southwest Florida, Tampa, Orlando, Jacksonville, and North Carolina. "Do you have the meeting minutes from last year that need to be approved at this year's member meeting? Are there any votes that need to be added to the ballot?"

2. Give owners proper notice about the annual meeting. Timeframes vary from state to state; statutes may stipulate a minimum or a minimum and maximum. For example, in Florida, condo associations are required to send a first notice to owners at least 60 days in advance. A second election notice must be sent to all owners 14 to 34 days before the election. HOAs in Florida, on the other hand, are required to give just 14 days notice, notes Maribona, which is tight. You really want to give people as much time as possible to receive the information, she advises, which is why she recommends her HOAs follow the state's condo statute if allowed under their governing documents.

For more on notice, see ["How Missed Deadlines Can Derail HOA Elections."](#)

3. Make sure people have a clear opportunity to run for a board seat. Give folks a deadline to submit their name and include a biography.

Some states specify timeframes for nominations. In Florida, for example, owners have to "submit their candidacy no less than 40 days before the election to be listed on the ballot. And if they want to provide an information sheet about their qualifications, they need to do that no less than 35 days before the election, says [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla.

Billy recommends calling for nominations even earlier—at least a couple of months before the election. Or if your statute and governing documents allow, use a nominating committee, which can help suggest a pool of qualified candidates. "The goal is competitive elections," he says. "You want as many nominees as you can."

"I've seen some boards say, 'If more people are volunteering to run, we should increase the number of board members.' I always say no," Billy says. "Keep it competitive; let people share their vision so members can decide who's best. And just because someone loses, it doesn't mean they can't be involved. People who don't get elected could be great committee members."

When should you send out candidate information to your members at large? "The second notice of the election is a good time to include the list of who's running along with any bios, so community members have time to read them in advance," Skowronski says.

4. Distribute ballots. Some states, such as California, require that condos or HOAs use a two-envelope system for ballot submissions to uphold the confidentiality and integrity of the voting process. Owners receive a ballot and two envelopes. The plain inner envelope holds the completed ballot to preserve anonymity. Owners put that envelope into the larger one, which has the homeowner's name, address, and signature in order to verify voter eligibility. Once the ballot is checked in, the outer ballot can be removed, which keeps it anonymous.

In advance of the annual meeting, you'll want to have combed through your owner roster to identify who's eligible to vote, Skowronski says. "Governing documents will speak to who's eligible. You don't want ineligible people voting, which could affect the legitimacy of the outcome. To avoid it, some associations don't give ineligible folks a ballot. In other cases, I've seen associations mark the envelope so they know the vote doesn't count but they don't embarrass people."

In states where electronic voting is allowed, owners must opt in to that method. The vote is conducted on a secure election platform. "You have to have all sorts of requirements in place," Noland notes. "The platform has to be able to test people's email addresses and send out notices among other functions."

For more eligibility and evoting, see ["From Eligibility to Evoting: Who's Allowed to Vote and How They Can Cast Their Ballot."](#)

5. Count the ballots. Michigan uses volunteers to tabulate, Skowronski notes. But some states like California are trending toward hired inspectors, Noland says. If you use volunteers, they should never be board members, candidates for the board, or members of the management team, advises Maribona. As ballots come in, they should be checked in but never opened until the official vote counting. And vote counters in states in which there's a double-envelope system is used should understand that if the envelopes aren't in the proper format—a plain unmarked envelope within the larger envelope—the ballot may be invalid.

A good method for vote counting? "Do it twice," Skowronski says. "Inspector A reads through the ballots and inspector B tallies the numbers. Then they switch roles. Hopefully, the numbers match. If they don't match, recount."

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How Missed Deadlines Can Derail HOA Elections

Nobody wants to receive a last-minute party invitation or be left off the guest list entirely. The same goes for condo and HOA [election notices](#)—only the result could be more than hurt feelings. Skipping or shortening the amount of notice prescribed by statute and [governing documents](#) can result in confusion, legal disputes, and even an invalid election.

What Could Happen if Your Notice Procedure Isn't Buttoned Up?

"At least a few times a year, there are election challenges among my client boards," says [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California. "And a couple of times per year, I have to tell the board, 'You need to stop what you're doing and restart the voting process,' or the nomination process, or whatever it is depending on the error in the timeline."

"In California, at any point, if the right notice isn't sent, if you don't have correct election [rules](#) in place, if you don't follow your governing documents, an owner can go to small claims court and collect up to \$12,500 in penalties under state statute based on the number of election law [violations](#) you have," Noland warns. "And then they could ask a judge to require a do over of the election."

So, if your state statute or governing documents stipulate notice must be 30 or 60 days in advance, follow it to the letter. You also need to make sure your roster of owners is current and you're sending a ballot to everyone who's eligible, says [Todd Skowronski](#), an associate at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan. Otherwise, an eligible owner who didn't receive the materials could have a valid claim against the process.

Some states are stricter than others, Noland says, so make sure you follow the rules and document everything. According to experts, your notices should specify:

- The date, time, and place of the annual meeting
- What business is taking place at the meeting, namely annual elections
- The deadline for ballots and nominations
- The mailing address where ballots should be returned or to whom to hand deliver them
- How and when to return electronic ballots, if allowed in your state
- The list of candidates running
- What biographical information candidates may submit and by when

And if there are any claims that an [election](#) was interfered with, was improper, or didn't meet the requirements? "Go straight to the lawyer," Noland says. "If there's something wrong, you want to be able to stop it or fix it as soon as possible. If you're at the point where you're ready for the election or you've already had it, you'll have to void it and start over. It's a lot of time, a lot of money, and it makes the outgoing board look bad."

Oy, the Mail!

Even if you follow the required timeframes for your election notices, there's a variable you can't control: the United States Post Office. "Mail is so unpredictable these days," says [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla.

"One board I work with followed the rules," Magill recounts. "They sent everything out more than 14 days in advance, which is the minimum allowed under HOA statute in Florida. But the property manager called me just days before the election and said, 'Some people don't even have their election materials and they can't send them back in enough time.' So I said, 'Either fax or email them all the election materials and then they can FedEx it back to you so you have it in time.'"

To avoid that scenario and if you have flexibility in your notice requirements—that is, you're not stuck between a minimum and a maximum—elongate the notice period, advises [Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients. Look at a calendar and work backwards from the date of the election meeting to account for mail delays and people's busy lives, he recommends.

One of his boards' governing documents required that elections be held in March. The board learned a lesson in foresight after they scheduled the March meeting during the local school's spring break and attendance was low. "Now we check the school district calendar to avoid scheduling during that week," Billy says. "Same thing with religious holidays. Try to avoid those as best you can."

Make Sure to Get the Math Right


Make sure to proofread your notices. Because boards often recycle notices they've been using for years, there may be an accidental error in the math in terms of the number of days provided, Billy says. Could that cause an issue? Sure. But if someone challenges it and also showed up to the meeting on the correct day, the person may not be able to argue that it was a problem.

"When we see these arguments, the practical side needs to prevail over the legal side," Billy says. "Were they really harmed? Find out what the owner's concern is. Oftentimes it's a candidate who didn't win so they want to challenge it."

He notes that courts may also look at the big picture to weigh whether a violation was significant enough to matter or whether the plaintiff is expressing sour grapes over a bigger war he's having with the board.

Adds Skowronski: "Under typical parliamentary procedure, if an owner appears at the meeting and [votes](#) and doesn't object to a defect in notice, they can never come back and say the notice was invalid."

Ultimately though, notice isn't a trivial thing. "It's the key," Skowronski says. "It's the first step to making the meeting valid."

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From Eligibility to Evoting: Who's Allowed to Vote and How They Can Cast Their Ballot

Who can vote in your HOA's elections? And how can voters vote—in person, by proxy, or online?

Those seem like pretty straightforward questions. However, there can be some trickiness. Here's the skinny on the who and how of HOA [election voting](#).

Who's an Actual Owner?

First and foremost, you want to know who your association members are, so you know who's eligible to vote in the election," says [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California. "Typically, the property owner of record is the person who can vote.

"That might be John Smith or Jane Doe, or if it's owned by a trust, the trustee on title," he explains. "If a corporation or partnership owns it, your [governing documents](#) might stipulate it's the president or managing partner of that company. If the documents are silent on that, then it might be up to the business entity to appoint their representative."

You or your management company have to do a good job of keeping up your owner roster so a tenant or nonowner doesn't try to vote, for instance, says [Todd Skowronski](#), an associate at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan.

"At the same time, it's not required that associations look up tax records or pull the register of deeds," he says. "Say an owner has never told the association, 'Hey, I'm a new owner. Here's my address.' Then if they don't get an [election notice](#) and object later, you can defend against that by saying, as is typical in Michigan, 'You didn't comply with the articles of the incorporation by providing a deed.'"

One Vote Per Lot or Unit, Please

"Many people don't realize the allocated interest for voting is tied to the lot or the unit, not to the number of owners," says [Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients. The one-vote rule prevents any single property from being overrepresented in elections. Even if the property has multiple owners—a couple is a common ownership scenario—only one vote is allowed, and that vote binds the rest of the folks listed on the deed.

Skowronski says some [bylaws](#) require that, in addition to providing the deed, owners submit a designated voter representative (DVR) form, which gives the association notice of who's authorized to vote on behalf of the lot or unit. Each owner is required to sign it. "It puts the burden on the owners," he says. "Don't just leave it to the association to figure it out."

"So, in a perfect world if I'm designated on the DVR and my wife tries to vote, the association can say, 'Only Todd can vote.'"

However, it's not foolproof. "You could still run into problems," Skowronski notes. "Say mom, the owner, passed away and three kids inherit the property. Who gets to vote?"

Still, having the DVR is best practice. "Say a husband and wife are getting divorced," he states. "They're both still on title, both show up to vote, and they favor different candidates. If there's a DVR on file that says the wife is the designated voter, even if the husband says, 'I revoke that,' you can only rely on the document you have in your file. That's why you want to be consistent about collecting DVRs."

Adds Noland: If owners can't decide who can vote or how and you end up getting multiple votes from the same unit or lot, the first ballot received is the one that counts. "I actually put that into bylaws when I'm amending them," he says.

Have Members Been Good Community Association Citizens?

In California, the answer to that question doesn't matter. Under [state law](#), condos and HOAs can't suspend *any* members' voting rights. "Someone can be delinquent in assessments, in violation of the governing documents, or doing all sorts of awful things, and they still have a right to vote," Noland says. "Any governing document provision that says you have to be a member in good standing is unenforceable."

In other states, if there's no statute standing in the way, whether an owner is eligible to vote comes down to the governing documents, Billy says. In many cases, ineligibility is based on financial delinquencies, such as being behind on assessments. Some associations expand that to other outstanding [violations](#).

"Where associations can get accidentally tripped up is that ineligibility isn't always automatic," he says. "It's about 50-50, so check your governing documents."

"In Florida, the association has to take action to actually suspend the voting right," explains [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla. "If the board hasn't held a separate vote on your status, it can't suddenly say you can't vote. You're in good standing until the board votes that you're suspended."

"But even when it's automatic, I tell boards, 'Be realistic,'" Billy says. "I had one situation where the fee owed was something like \$4. I said, 'We're not suspending someone's vote for \$4.' So when I draft governing documents, I set a threshold amount for delinquency because it separates accidental situations—like an overlooked convenience fee—from situations where the person knows they're delinquent on their assessment."

The Age of Electronic Voting

Members of your association can vote in person during the election meeting, by mail-in ballot, or in some states, by proxy. That's where an owner designates someone else to vote on their behalf. See ["Proxies: Handy Voting Tool or HOA Headache?"](#)

There's another way, too: electronic voting. More than half of the states allow e-voting in condo or HOA elections, though it's unclear how many condos and HOAs employ it routinely.

E-voting isn't voting by email, underscores Magill, who's a fan of the method. "E-voting takes place on a secure, specialized platform that has to uniquely identify the voter and provide them with a receipt of how they voted," she says. "It also lets people test to make sure their computer, mobile phone, or whatever device they're going to vote from will actually work."

In some systems, you create credentials and log in to a platform where you can see information about the candidates and vote, Magill says. In others, you can do it in one fell swoop, where you get an email or text from the HOA with a unique voter key and link to a ballot. You enter your code when prompted and vote.

Overall, it can make the process more convenient and therefore encourage more participation, say experts. It also helps reduce printing and mailing costs, though not everyone will opt in to electronic voting and you'll have to pay a fee to use an e-voting platform. Costs vary based on factors such as the number of voters you have and the tier of service you choose. E-voting may not end up saving your condo or HOA money on elections. Maribona recommends Kuorum.org and Simply Voting to her clients for reliability and ease of use.

The bottom line? "States have gone pretty far to try to encourage e-voting," Billy notes. "So, when it's viable in your state, we do encourage clients to use it."

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Counting Heads: What's Quorum and How to Meet It

An HOA meeting without [quorum](#) is like a car without gas: It's going nowhere. And that's the rub for many condos and HOAs—not enough people show up for annual [meetings](#) to keep the engine running. Here we explain what quorum is and explore how your condo or HOA and states deal with the no-show dilemma.

Quorum, By the Numbers

In condo and HOA meetings, quorum is the minimum number of condo or HOA members legally needed to be present in person, by proxy, or by ballot before the association can conduct any business, such as an election, explains [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California.

The specific threshold for quorum is usually outlined in your [governing documents](#) or set by your state law. Quorum could range from 20 percent to more than 50 percent, and the percentage or number of members required might vary in certain circumstances. Your state might have different requirements for HOAs versus condo associations. Or associations might set different thresholds for an annual [election](#) versus a vote on a special assessment. If you don't meet quorum, you can't hold the meeting or conduct an election.

"Many communities have to hold the election meeting again and again and again until they satisfy quorum," says [Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients. But if they don't satisfy it the first time, it's unlikely they'll do so on subsequent tries.

At least a few states and associations have found ways around the problem. Sort of.

1. Get creative with your governing documents—Billy tells of a Missouri association that couldn't achieve quorum to carry out an election despite several attempts. Under its governing documents, the association had the authority to appoint directors in the event of vacancy.

So, the board agreed that if the three board members up for election didn't get enough votes to be retained, even though there was no quorum, they'd resign. The remaining board members whose terms hadn't expired would then appoint to the board those candidates who beat the resigning board members. An owner challenged the action and took the association to court. But the court deemed the board valid.

"Trying to achieve quorum multiple times and then using this method removed the idea that the board just wanted to stay in power," Billy says. "And it made it easier to say to the judge, 'What do you want us to do? We're not sitting on thousands of dollars to

come to court every year to litigate this issue. We can't force the owners to vote or even show up. We're honoring what the owners are telling us they want."

This method wouldn't work for associations where a vacancy has to be filled by special election. "Then you're back to square one," he says.

2. Step it down—Amend your governing documents to allow for a shrinking quorum, says [Todd Skowronski](#), an associate at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan. "If you need 35 percent of people for quorum, the shrinking quorum provision can say, 'We'll recall the meeting, and the next time the quorum is half of that.'"

"The irony is that if you can't get people to show up to a meeting, how will you get enough people to vote to amend?" he points out. "It takes two-thirds of owners to amend condo documents in Michigan."

Some states are dealing with the issue legislatively. In Missouri, Billy supports proposed legislation that would enable HOAs to automatically step down the quorum requirement until they can satisfy it. "You'd still have to hold the meetings until you achieve it, but it would keep us out of the courthouse," Billy says.

"In California, statute says if your [bylaws](#) stipulate your quorum is more than 20 percent and you don't meet that at your annual meeting, you have to adjourn and reconvene," Noland says. "But then quorum drops to 20 percent at the next meeting."

3. Give quorum the heave-ho—In Florida, condos and co-ops don't even have a quorum requirement. They just need 20 percent of eligible voters to cast a ballot. "That's fabulous," says [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla.. "If you require a quorum as a majority in a large association of, say 500 to 800 units, you'd be unlikely to meet it and therefore wouldn't have elections every year. And that doesn't give people the opportunity to have control over what's going on in their association."

That's the very problem facing Florida HOAs, which must attain 30 percent quorum. "The high number keeps the same people in office until they resign one by one and new people are appointed," says Magill. "We may see changes to [HOA law](#) at some point to account for that, but for now 30 percent has been deemed sufficient."

"The trend in California is to just get rid of quorum by saying it equals the number of ballots received by the voting deadline," Noland says. "If you've got one ballot by the deadline, you're good to go. So, every time I rewrite bylaws, I suggest that approach to the board."

He says smaller condos or HOAs, those with eight, 10, 15, or 20 units, don't typically agree to that because they don't want the possibility of one owner determining the board. "But most condos and HOAs, especially those with hundreds of units or lots, are fine with it," says Noland. "It's just so troublesome to get quorum and so expensive to reconvene."

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Proxies: Handy Voting Tool or HOA Headache?

One way to meet your HOA's annual election meeting [quorum](#) is through the use of [proxies](#). However, they can be problematic. Here are some proxy basics.

Proxy Primer

- **What's a proxy?** A proxy lets a homeowner assign their [voting](#) rights to another person when they can't attend a meeting. The proxy holder then votes on behalf of the absent homeowner, according to [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California.
- **Who can be a proxy?** It depends where you live. In California, a proxy must be an owner of another unit or lot in the development, Noland says. "The proxy can't be your attorney or your Aunt Linda who lives in the next town over."

Other states and condos or HOAs are more lenient. "I can appoint Joe Smith off the street to be my proxy," says [Todd Skowronski](#), an associate at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan. Check your statutes and [governing documents](#) for guidance.

- **How long is a proxy valid?** Again, it depends. For example, according to the Florida statute governing HOAs, *a proxy is effective only for the specific meeting for which it was originally given and automatically expires 90 days after the date of the meeting*. (Proxies aren't permitted for condos in the state.)

"In California, if there's no expiration date," says Noland. "A proxy expires after 11 months. If there's an expiration date, it can't be longer than three years. Even if it says six years, a proxy terminates after three years."

- **What must a proxy include?** "As long as it says the right things, a proxy could theoretically be written in lipstick on a napkin to be valid," Noland says. In Florida, for example, "the right things" include the date, time, and place of the [meeting](#) for which it's given, and the signature of the owner who authorized the proxy. In Michigan, it should also identify who the voter is giving their proxy to, Skowronski adds.
- **Does the proxy holder have to vote the way the owner wants?** If it's a directed or limited proxy, yes; if it's an undirected or general proxy, no. [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla., recommends a directed proxy if you know all the candidates ahead of time and there won't be nominations from the floor. That way, owners who use a proxy know who they want the proxy to cast the vote for as opposed to just giving someone the right to vote for them.

Proxies Sound Handy. So, What's the Problem?

They pose a variety of sticky wickets, experts say.

- **They're based on the honor system.** "You can say to your proxy, 'This is how you have to vote,'" Noland says. "But you're never going to know if they voted that way."
- **They're a source of general confusion.** They raise all sorts of questions for boards, Noland says, ranging from, what is it and what is it for, exactly? to do we have to accept it? and did the owner really give the verification?
- **People can harvest votes.** Under this practice, someone goes around collecting proxies from various owners. It can be legitimate but has negative connotations. Members could feel pressured by the harvester about how they should vote, or the purpose of the proxy could be misrepresented. Such allegations could challenge the validity of the election.

"Some associations amend their documents to limit how many proxies one person can hold," says Magill. "I have one client whose governing documents say you can vote your own ballot and have up to five proxies. If you have more than five, they're not valid." She adds owners need to be cognizant of such a policy because their vote could be invalidated if the person collected too many proxies.

Where Do You Stand on Proxies?

It's a divisive issue. Even community association attorneys fall into different camps. "I'm not a big fan of proxies," Noland says. "The trend in California is to prohibit them. When I'm writing bylaws, I prohibit them as long as the board's willing because they're confusing. It's funny to me that people won't attend a meeting, won't cast a ballot, but they'll let another member vote on their behalf."

On the other hand, Skowronski views them as a vital part of the political process. "Owners vote on a very narrow set of things," he says. "You want to be very cautious about ever denying an owner's right to vote. If there's concern about the legitimacy of a proxy, pause the meeting, pick up the phone, and try to confirm it. I would go so far as to say, if you can't validate it and you're truly concerned, rather than throw it out, adjourn the meeting. It's that important."

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Who Can (and Can't) Run for Your Condo or HOA Board

Not everyone is cut out to serve on a condo or HOA's board. Perhaps you've had some colorful characters in office and would like to be more prescriptive about who can run. Here's a look at where various states and HOAs have set the candidate bar.

Members Only, Please

For the most part, the baseline requirement is that candidates be association members, which means they hold title to a unit. In fact, in California, that's the *only* mandatory requirement under the Davis Stirling Act, which governs common interest developments in the state. As [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California, puts it, "You can have a purple house, 18 ducks, build a windmill, have visitor parking, and still serve on a board in California."

Owning a Unit is Just the Start

Many HOAs set the bar higher than just basic membership and include a variety of other eligibility standards in their [bylaws](#). [Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients, says many associations he works with require residency, that candidates be at least 21 years old, and that folks aren't engaged in a lawsuit against the association.

"More recently, we're seeing requirements that you have to agree to cooperate in [complying](#) with any mandatory state or federal reporting requirements," he says. "Otherwise, the association could be in a bad spot." Billy has also had a few condos and HOAs add that candidates can't have filed for bankruptcy within a certain number of years.

California permits four other discretionary eligibility requirements:

1. You must have owned your unit or lot for a year.
2. Co-owners of the same unit or lot can't serve at the same time.
3. You can't be delinquent on regular or special assessments. Fines, late fees, and interest don't count.
4. You can't have a criminal conviction.

Florida statute also bars candidates who are delinquent on their assessments or who have felony convictions, though felons whose civil rights have been restored for five years at the time of their candidacy are free to run, notes [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla.

The Honor System

Criminal convictions are one thing to mandate but another to enforce. "You're never really going to know someone has a record unless it gets reported to you somehow," Noland says. "But I still include that prohibition in all my election rules and bylaws because it could impact the condo or HOA's insurance."

Should you do background checks? Probably not. "The conviction could be a misdemeanor," adds Noland. "It could be a felony. It could be in federal court or in any of the 50 United States." Essentially, it's difficult to track down.

Billy says in rare cases if background checks are covered in [governing documents](#), he has conducted them. "But it's a hassle and there's an administrative cost," he says.

Rather Noland recommends boards make sure their nomination form lists all the qualifications for board office and that candidates certify that they meet them. "It's easy to check whether a candidate is the owner of record, delinquent on assessments, or has owned the unit for a year," Noland notes. "Otherwise, it's the honor system."

But don't be surprised if some homeowners do their own research on candidates. "Sometimes people are extra vigilant because of the rumor mill, and they want to ferret it out," Magill says. "Some people are very good sleuths."

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9 Dos and Don'ts for Running Smooth Elections

Have you dealt with election snafus in the past? Looking to button up the process before anything goes awry? Consider implementing this been-there, done-that advice from a few experts around the country to ensure an uneventful annual meeting and [election](#).

1. Don't punt the annual meeting and board election. "Many times, boards will say, 'We're working on important things,' 'No one's interested,' or 'We don't want to have the election now because things are going well,'" says [W. Alexander Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California. "There are all sorts of reasons, but you're [legally required](#) to have the election. So just do it."

2. Do allow candidates to canvass if it's permitted under your statutes and governing documents. Some people running for the board will go door to door, talk to neighbors, or [send an email](#) to get the vote out for themselves. "Some boards don't like this," Noland says. "But we have a statute in California giving owners and residents a right to canvass and petition. Before you clamp down on this activity, check with your legal counsel."

To keep canvassing from getting out of hand, set limits, Noland says. For instance, you could require candidates to only knock on doors after 9 a.m. and before 8 p.m.

3. Do ensure those running for office separate their role as a candidate from their role as an existing board officer. "As an individual candidate, I might say, 'Don't trust Sally or don't trust Bob. They were terrible when they were on the board,'" says [Lisa Magill](#), CCAL, an attorney with Kaye Bender Rembaum in Pompano Beach, Fla. "But as part of the association—as president or a director—it's inappropriate to make any representations as to who should be elected."

4. Do manage time effectively during the meeting. While people are tabulating the ballots, provide any updates. "Otherwise, if you do everything up front and then vote, there's a long recess during the vote counting and people leave," says [Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients. "Maximize the time."

5. Do keep the meeting tight and focused. What has to take place at the annual meeting will be governed by your state's law or your [governing documents](#), says [Todd Skowronski](#), an associate at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan. Oftentimes, the only business is the election.

Billy advises you to keep the focus of the annual [meeting](#) to what's expected: the election, a financial update, general updates, and an owner forum. "Don't try to sneak in other things," he says. "If there's a required special vote on something, that should be done at a special meeting. I'm a big fan of managing people's expectations."

6. Do set rules of conduct at the beginning of the meeting. One mistake is not setting time limits on candidate speeches or on those who speak during the open forum, says Skowronski. "Give everyone two minutes and make sure no one gets to speak twice before everyone who wants to has their opportunity," he says. "Actually, set a timer and cut people off."

Another mistake is letting owners interrupt to talk about their pet issues during the opening reports given by the president and treasurer. "Most HOA boards want to be open and transparent, but if you stop to take questions, you're off track," Skowronski says. "That's where the dissenters will start yelling or getting mad and the meeting devolves into chaos."

"Once you give an inch, people take a mile," he adds. "So set the rule that questions will be allowed in the open forum after the election. When interruptions happen, be firm; don't make exceptions. Remind people of the rules."

If you anticipate a divisive issue, you might say, "We may not answer your question based on your level of civility," he says. "In Michigan at least, the board doesn't have to answer questions. Check your state law."

7. Don't allow nominations from the floor or write-in candidates. At least that's Noland's recommendation to boards. "Most developer-drafted or original bylaws will allow for nominations from the floor," he explains. "That causes big problems in California because we have a 30-day nomination period, then a pre-ballot notice, and then mail the ballots."

"So how do you reconcile nominations from the floor with our [voting](#) procedure? How do you confirm that someone being nominated from the floor meets all the candidate qualifications? Anyone who's already voted can't vote for the person being nominated from the floor. It's only the people who haven't turned in their ballot who can. Plus, if the election inspector is remote, there's no way to give her the physical ballot," he says.

Same with write-ins, Noland says: "Are they an owner? Are they qualified? What if the person doesn't want to serve?"

8. Do have election inspectors. California mandates an independent party. "It can't be a board member, relative of a board member, association counsel, manager, association CPA, or the landscaper," Noland says. It could be a volunteer owner with no ties to the board. But because elections are fairly technical in California, a lot of associations hire third-party companies.

Florida condos and co-ops can petition for a state-appointed election monitor. "It's a very reasonable cost," says Magill. "And then you have an impartial person there other

than the attorney for the association, who some owners may not trust, who can verify ballot envelopes and tabulate.”

But if you don’t bring in a professional election monitor, you want to make sure you have impartial volunteers and plenty of them, especially in large associations, she says. If you have 800 ballots, for instance, you may want to have four teams each counting 200 ballots. That’s faster than one team counting all 800.

9. Do retain all election documents for a year. In Florida, any owner is entitled to review them, Magill says, though that may not be true in all states. “Sometimes an owner will do a recount on their own behalf or find discrepancies that could change the result of the election.”

10. Don’t assume the way you’ve done things in the past is good enough. “All of my recent election problems are because boards have been doing them the same way for at least a decade without stepping back to see what they could improve,” says Billy. “Self-reflect, foster owner participation, and work with your attorney to develop ‘What-to-do-when-type scenarios.’”

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Sample Notice of Annual Meeting and Election

FIRST NOTICE OF ANNUAL MEETING OF

_____ ASSOCIATION, INC.

1234 Main Street
Anytown, FL 33333
_____, 20__

Dear Member(s):

On behalf of the Board of Directors of _____ Association, Inc., (your "Association"), we are enclosing herewith a Notice of Annual Meeting of the Members of the Association for the purpose of, among other matters which may properly be brought, the electing of seven (7) directors to the Board of Directors of the Association. The meeting will be held on, (Date) at 0:00 p.m. in the General Meeting Room of the _____ Association Clubhouse, located at 1234 Main Street, Anytown, FL 33333.

Any unit owner who wishes to be a candidate for the Board of Directors of the Association must submit written notice to the Association no later than 5:00 p.m., (Date) (i.e., not less than forty (40) days before the scheduled election). Written notice to the following address shall be deemed adequate written notice:

_____ Association, Inc.
Association's Management Office
ATTN: John Doe, Property Manager
1234 Main Street
Anytown, FL 33333

Such written notice shall be accomplished by one or more of the following methods:

- (a) By certified mail, return receipt requested, directed to the aforesaid Property Manager; or
- (b) By personal delivery to the aforesaid Property Manager; or
- (c) By regular U.S. mail, facsimile, telegram or other method of delivery to the aforesaid Property Manager.

Upon receipt by the Property Manager of written notice that a Unit Owner or other eligible person desires to be a candidate for the Board of Directors, the Property Manager shall issue a written receipt acknowledging delivery of the written notice.

Each candidate also has the option to deliver to the Association, no later than 5:00 p.m. on (Date) (i.e., not less than thirty-five (35) days before the scheduled election), a one-sided information sheet (no larger than 8 1/2 inches by 11 inches) describing the candidate's background, education and qualifications and any other factors deemed relevant by the candidate.

The Association shall mail or deliver a copy of each candidate's information sheet with the second notice of election to be mailed or delivered by the Association to all members in approximately thirty to forty days, provided that such information sheet is delivered to the Association not less than 35 days before the election (as set forth above).

As required by law, all unit owners will be mailed or delivered a Second Notice of the election which will include a ballot to vote for the candidates for the Board, along with any information sheets which are timely submitted by prospective candidates. Instructions for voting procedures will also be provided.

Voting certificates, if applicable, shall designate who votes for a particular Unit. Voting rights shall be determined pursuant to the By-laws of the Association. For your convenience, a voting certificate, which should be used by you if same is necessary, is enclosed herewith. If a voting certificate is necessary for your Unit and one is not already on file with the Association (or if you desire to change any such voting certificate which is on file with the Association), please file same with the Association at its office prior to the scheduled Annual Meeting.

Your Association, which is the governing body of _____, a Condominium, is a most important part of your condominium life and has been organized for the benefit of all condominium owners. Accordingly, we would strongly urge you to make your selection of your directors with the utmost of care and consideration, as those directors will have the responsibility of running the affairs of your condominium, as well as the business of the Association. This meeting is your opportunity to vote for and participate in the election of those persons who will be your "voice in government" and, therefore, the return of your ballot (which you will receive in approximately thirty to forty days) is most important.

Sincerely,

_____ ASSOCIATION, INC.

By: _____
John Doe, Property Manager

Source: Dennis J. Eisinger, partner, Eisinger, Brown, Lewis & Frankel PA, Hollywood, Fla.

Sample Notice of Candidacy

NOTICE OF CANDIDACY

FOR ELECTION TO THE BOARD OF DIRECTORS OF
_____ ASSOCIATION, INC.

IF YOU WISH TO BE CONSIDERED AS A CANDIDATE FOR ELECTION TO THE BOARD OF DIRECTORS OF _____ ASSOCIATION, INC., PLEASE COMPLETE AND SUBMIT THE FOLLOWING FORM TO THE ASSOCIATION'S PROPERTY MANAGER, MR. JOHN DOE, **BY NO LATER THAN 5:00 P.M., (Date)**

THE ANNUAL MEETING WILL BE HELD ON (Date), AND SEVEN (7) MEMBERS WILL BE ELECTED TO THE BOARD OF DIRECTORS.

TO: _____ ASSOCIATION, INC.

Please be advised that I intend to be a candidate for the Board of Directors in the upcoming election.

☐ Attached please find my information sheet.

☐ I will not be submitting an information sheet.

DATED _____, 20__

UNIT OWNER (or other eligible person)

Print Name: _____

Owner of Unit No.: _____

Source: Dennis J. Eisinger, partner, Eisinger, Brown, Lewis & Frankel PA, Hollywood, Fla.

Sample Proxy

PROXY

I (we), the undersigned, being the owner(s) of the property located at _____, CITY, STATE ZIP, do hereby constitute and appoint NAME, the current Vice President of _____ Association, with full power of substitution, OR instead of the above-named person, _____, with full power of substitution, as my (our) true and lawful representative/attorney-in-fact, pursuant to the By-laws of said Association, to vote as my (our) proxy at the meeting of the Association to be held on _____, [year], and at any and all adjournments thereof for the transaction of any and all business that may come before said meeting, according to the number of votes I (we) would be entitled to vote if I (we) were then personally present. By express notice, I (we) hereby revoke any proxy or proxies heretofore given for this purpose and ratify and confirm the rights that all of the above named representatives/attorneys-in-fact or agents may be entitled to by virtue hereof.

If I (we) present myself (ourselves) in person and sign the attendance roster at said meeting and any reconvened meeting for which this proxy I (we) intend, then this proxy is rendered null and void.

IN WITNESS WHEREOF, the undersigned has (have) executed these presents this ____ day of _____, [year].

Owner's Signature
Owner's Printed Name: _____

ALL OWNERS OF RECORD MUST
SIGN, INCLUDING BOTH JOINT
TENANTS, IF APPLICABLE.

Owner's Signature
Owner's Printed Name: _____

Please sign and return this proxy to Property Manager/Secretary, _____, prior to the meeting. If you prefer, you may give it to the person you have named above to act on your behalf to bring to the meeting.

Please sign your name(s) exactly as shown on your ownership documents.

Source: Phaedra J. Howard, partner, Hellmuth & Johnson PLLC, Eden Prairie, Minn.

Sample Limited Proxy

LIMITED PROXY

KNOW ALL MEN BY THESE PRESENTS:

The undersigned owners, or their voting representative, of Condominium Unit No. _____ in _____, A CONDOMINIUM, hereby constitute and appoint the Secretary of the Association, his/her designee, or _____, as nominee, and proxy with powers of substitution for and in the name and place of the undersigned, to appear, represent, and cast votes only as I specifically instruct in reference to the following matters to come before the Annual Meeting of _____ CONDOMINIUM ASSOCIATION, INC., to be held on **(Date) at 00:00 p.m. in the General Meeting Room of the _____ Condominium building, located at 1234 Main Street, Anytown, FL 33333.**

Vote for only one (1) in each category:

(A) RESERVES

NOTE: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

_____ Vote in favor of waiving the collection of all statutory reserves in accordance with F.S. Section 718.112(2)(f).

_____ Vote in favor of collection of all statutory reserves in accordance with F.S. Section 718.112(2)(f).

(B) FINANCIAL REPORTING

_____ Vote in favor of reducing the mandatory level of financial reporting for the Association in accordance with F.S. Section 718.111(13)(d).

_____ Vote against reducing the mandatory level of financial reporting for the Association in accordance with F.S. Section 718.111(13)(d).

The undersigned ratify and confirm any and all acts and things that the proxy may do or cause to be done in the premises, whether at the meeting referred to above or at any change, adjournment, or continuation or it, and revoke all prior proxies previously executed.

DATED: _____

UNIT OWNERS

Source: Dennis J. Eisinger, partner, Eisinger, Brown, Lewis & Frankel PA, Hollywood, Fla.

SUBSTITUTION OF PROXY

The undersigned, appointed as proxy above, does hereby designate _____ to substitute for me in the proxy set forth above.

DATED: _____
PROXY _____

(In no event shall this proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given).

Sample Directed Proxy

[insert corporate name of Association or place on Association Letterhead]

DIRECTED PROXY FOR ANNUAL MEETING

DATE, TIME
LOCATION
ADDRESS

INSTRUCTIONS

To facilitate participation in the above referenced meeting, the Board has prepared this directed proxy for your convenience. You may either vote in person at the meeting (date, time and location are above), or you may appoint a proxy. The proxy you appoint on this form must complete a ballot as you instruct him or her and must be present at the meeting.

For your convenience, you can appoint the Association's TITLE, NAME as your Proxy. To ensure timely receipt, please send it by email: EMAIL; Subject Line: [insert short name of association] Proxy, or by mail: ADDRESS.

Proxies must be received [insert deadline].

DIRECTED PROXY

The undersigned member(s) of [insert corporate name of Association] certify that he or she is the record owner within [insert name of subdivision] Subdivision and appoints _____ (a fellow owner or NAME if left blank) as my/our Proxy. The Proxy shall act on my/our behalf at the Annual Meeting described herein to vote on the matter below to have the same effect as if I/we were present. I/We ratify and confirm the acts on my/our Proxy pursuant to this Proxy.

I/WE DIRECT OUR PROXY HOLDER TO VOTE AS FOLLOWS:

CANDIDATE1 _____

CANDIDATE2 _____

CANDIDATE3 _____

CANDIDATE4 _____

CANDIDATE5 _____

CANDIDATE6 _____

Signature(s) _____

Print Name(s): _____

Address within [insert name of subdivision]: _____

Date: _____

This Proxy is irrevocable unless actual notice is given to the Secretary or Chairperson of the Meeting that this Proxy has been revoked. This Proxy shall automatically terminate upon adjournment of the Meeting.

Sample Ballot (1)

ABC HOMEOWNERS ASSOCIATION OFFICIAL MAILED BALLOT

AFTER VOTING, PLEASE PLACE THIS BALLOT IN ENVELOPE 1 AND SEAL. THEN PLACE ENVELOPE 1 IN ENVELOPE 2 AND SEAL. IN THE UPPER LEFT HAND CORNER OF ENVELOPE 2, PLEASE SIGN AND PRINT YOUR NAME AND IDENTIFY THE ADDRESS OF YOUR UNIT WITHIN THE ASSOCIATION.

ELECTION OF BOARD DIRECTORS

There are _____ () positions available. Each Unit may cast _____ () votes. Cumulative voting is permitted. You may cast all of your votes for one candidate or distribute your votes among the candidates as you deem appropriate. Please do not use fractions.

VOTE CANDIDATE

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
	(write-in candidate)
<input type="checkbox"/>	_____
	(write-in candidate)

APPROVAL OF MEETING MINUTES

Please review last year's annual meeting minutes and vote to approve, approve with changes, or dis-approve the minutes.

- ☐ I approve last year's annual meeting minutes with no changes.
 - ☐ I approve last year's annual meeting minutes with the following changes:
 - ☐ I do not approve last year's annual meeting minutes.
-

APPROVAL OF IRS REVENUE RULING 70-604

IRS Revenue Ruling 70-604 allows the Association to move any excess funds into the following year's Budget. By approving the adoption of this Ruling, the excess funds may not be taxed by the IRS.

- ☐ I approve the adoption of the motion regarding IRS Revenue Ruling 70-604.
- ☐ I do not approve the adoption of the motion regarding IRS Revenue Ruling 70-604.

In order to be considered, a mailed Ballot must be received no later than _____ at _____ p.m.

Source: James R. McCormick Jr., partner, Peters & Freedman LLP, Encinitas, Calif.

Sample Ballot (2)

_____ ASSOCIATION

MEETING OF MEMBERS

[Date]

BALLOT

There are two (2) positions open for election on the Board of Directors, for a term of three years. Only one vote may be cast for any nominee. Each unit may cast up to two (2) votes. Please place an "X" **in front of** the name of the candidate for whom you are voting.

CANDIDATE

____ Name _____
____ Name _____
____ Name _____
____ Name _____
____ Name _____

CANDIDATE

____ Name _____
____ Name _____
____ Name _____
____ Name _____
____ Name _____

Source: Phaedra J. Howard, partner, Hellmuth & Johnson PLLC, Eden Prairie, Minn.

Sample Instructions for Casting Ballots for Election of Board of Directors

_____, ASSOCIATION, INC.

Instructions for Casting Ballots for Election of Board of Directors

1. On the Ballot, mark an X or a checkmark next to the candidate(s) who you are voting for. Vote for no more than **seven (7)** candidates or your Ballot will not be counted. Do not put your name or unit number on the Ballot.
2. Put the Ballot into the envelope which is marked as the "Ballot" envelope and seal this envelope. Do not put your name or unit number on the "Ballot" envelope.
3. Insert the sealed "Ballot" envelope into the envelope which is marked "Return Envelope" and seal it.
4. All owners or the designated voting member (if applicable) must (i) print their respective names legibly in the appropriate space provided on the exterior of the "Return Envelope", (ii) sign their respective names in the appropriate space provided on the exterior of the "Return Envelope", and (iii) write the unit number for which the ballot is being cast in the appropriate space provided on the exterior of the "Return Envelope".
5. Bring or mail the Return Envelope to the Association office where it will be placed in a secure location until the Annual Meeting. Alternatively, you may bring the Return Envelope, with the Ballot inside to the Annual meeting, on February 26, 2013, to cast your Ballot.

A FAILURE TO COMPLY WITH THE INSTRUCTIONS SET FORTH ABOVE MAY RESULT IN YOUR BALLOT BEING INVALIDATED.

The envelope containing the ballots received by the Association shall be retained by the Association and shall not be opened until the Annual Meeting and Election of Directors.

These instructions are being given in strict accordance with the Florida Statutes and Administrative Code regulations. No proxies may be used for these elections, therefore it is very important that you carefully follow these voting instructions.

If you have any questions regarding these instructions, please contact John Doe, Property Manager, at the Association's Office (000)000-0000.

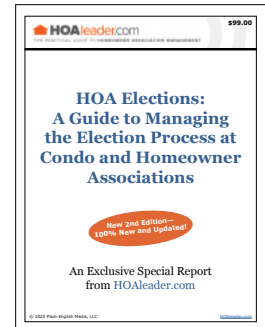
Source: Dennis J. Eisinger, partner, Eisinger, Brown, Lewis & Frankel PA, Hollywood, Fla.

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Additional Special Reports from HOAleader.com

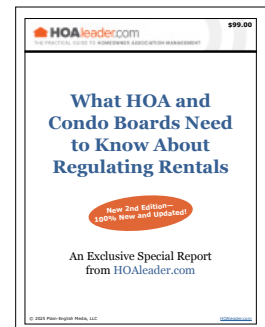
HOA Elections: A Guide to Managing the Election Process at Condo and Homeowner Associations

In this report, you'll discover tips from our editorial team and experts from across the country on HOA elections, including on how to plan, properly notice, and execute your HOA election. These are tips you can begin implementing immediately to make your elections run more smoothly and withstand challenges from disgruntled homeowners. [Download now»](#)



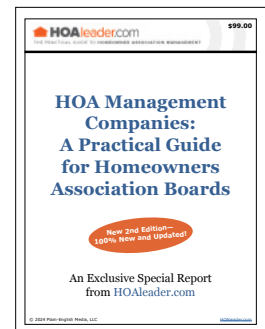
What HOA and Condo Boards Need to Know About Regulating Rentals

Rental units can change the entire look and feel of your community—a fact you need to be aware of because the number of investor-owned housing units in the country has spiked and is still growing. With the information in this report, you'll know the range of options available, the risk and benefits of each, and insights on how to adopt enforceable rental restrictions in your community. [Download now»](#)



HOA Management Companies: A Practical Guide for Homeowners Association Boards

The success of your homeowner's association often hinges on the quality of its management. With a strong HOA management company, your community thrives. A weak one can lead to unnecessary struggles. And if your HOA opts to operate without professional management, your board members must become knowledgeable, multitasking experts. This special report—a new and updated 2nd edition—provides HOA boards with expert advice on all these critical topics and more. [Download now»](#)



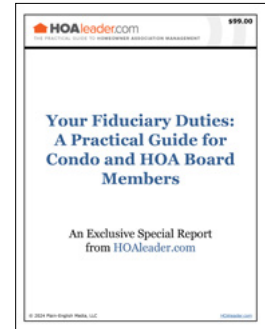
How To Protect Your Condo/HOA With a Strong and Fair Architectural Review Process

One thing that makes condo and HOA communities thrive is their unified aesthetic—a goal accomplished through architectural standards and rules. Enforcing those provisions is performed either by your board or your architectural committee, according to your governing documents. Doing that consistently and fairly can be a challenge, and missteps can land condos and HOAs in court. [Download now»](#)



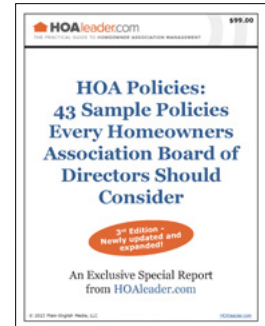
Your Fiduciary Duties: A Practical Guide for Condo and HOA Board Members

Taking on a leadership role in your condo or HOA carries a lot of responsibilities—including legal responsibilities. The biggest of these is to fulfill the fiduciary duties you're required to meet as you carry out your role as president, secretary, treasurer, a vice president, or a director at large. It's important to understand the full scope of your fiduciary duties. This special report will give you what you need to know. [Download now »](#)



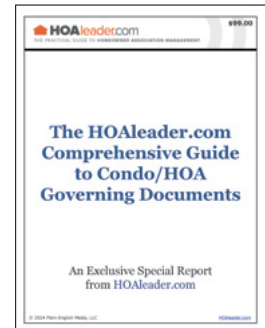
HOA Policies: 43 Sample Policies Every Homeowners Association Board of Directors Should Consider

In this newly updated and expanded special report, we lay the groundwork for your HOA board to draft policies and procedures governing a broad scope of condo or homeowners association life by providing you with 43 sample policies released exclusively to you by HOAleader.com's expert contributors. [Download now »](#)



The HOAleader.com Comprehensive Guide to Condo/HOA Governing Documents

As a reader of HOAleader.com, you've seen us say it over and over: "First, read your governing documents..." Or "Your first stop should be your governing documents." Or "Find out what your governing documents say." But if you're new to the condo/HOA world, (and even if you're not so new) you may not really know what those governing documents include. What documents are included? What should I be looking for if I'm reading them? Are certain documents more important than others? And what about the law—where does that fit in when I'm trying to figure out my governing documents? [Download now »](#)



Condo/HOA Special Assessments: An A-to-Z Guide for Smart Board Members

Special assessments get no respect. We'd even go so far as to say that they're almost universally reviled. However, the wisest board members view them through a practical lens. Special assessments are simply a tool to help communities fund necessary projects—one you should consider when necessary rather than let required maintenance or repairs go undone. In this comprehensive report: Condo/HOA Special Assessments: An A-to-Z Guide for Smart Board Members, we've sought the advice of legal and community association management experts to help you better understand the role of the special assessment and make your job of deploying them less stressful. [Download now »](#)



HOA Transition - A Guide for New Boards Moving from Developer to Owner Control

In this comprehensive report: HOA Transition: A Guide for New Boards Moving from Developer to Owner Control, we've sought the advice of legal and community association management experts so that we can provide insights and concrete tips on how to do your job wisely and well. [Download now »](#)



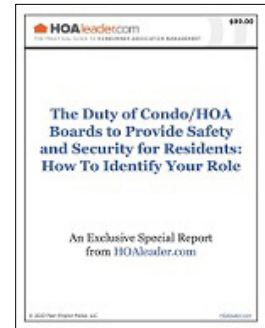
HOA Leadership Roles and Duties: A Guide to the Positions of President, Vice President, Secretary, Treasurer, and Board Member in Condo and Homeowners Associations

We're hearing from a growing number of association members who want more detail about their responsibilities—or who want an easy way to educate their newly elected fellow board members about what, exactly, board members do. What's the president supposed to do? How about the vice president, secretary, and treasurer? [Download now »](#)



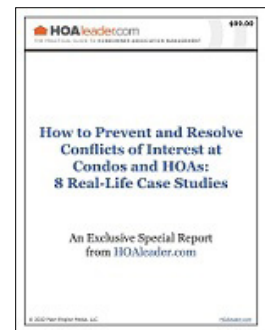
The Duty of Condo/HOA Boards to Provide Safety and Security for Residents: How To Identify Your Role

We're confident the information in this report will help you begin to identify your duties when it comes to community safety. [Download now »](#)



How to Prevent and Resolve Conflicts of Interest at Condos and HOAs: 8 Real-Life Case Studies

In this comprehensive report, we've sought the advice of legal experts on the best practices for identifying, avoiding, and resolving these conflicts in your association. [Download now »](#)



HOA Finances: Best Practices for Getting Your Homeowners Association through Difficult Economic Times

This report was created to help you make smart decisions that will in turn help your HOA weather the current financial storm. We've spoken to leading condominium and homeowner association advisors across the country and distilled their recommendations down into practical, plain-English suggestions for what you can do now to best position your association for financial stability. Times are tough, but the good news is there are steps you can take today that will help. [Download now»](#)



How to More Easily and More Effectively Address Violations in Your Condo or HOA

For this comprehensive report, we've sought the advice of legal experts nationwide on the best practices for handling violations in your association. [Download now»](#)



Condo and HOA Financials: How to Report, Manage, and Protect Your Association's Money

This report will help you more effectively oversee the finances underpinning all of your operations. We've sought the advice of legal and management experts nationwide to compile this comprehensive report on the best practices for handling financial reporting and management at your association. [Download now»](#)



Board Member's Guide to Managing the Most Challenging People Issues at Your HOA or Condo

Surely you've heard this mantra spoken by HOA insiders: The biggest challenges boards face are "the 3 Ps," which stand for Parking, Pets, and People. In this report, our editorial team has tapped into the expertise of legal and management experts nationwide to provide you with information on best practices for handling the most difficult people challenges in your community. [Download now »](#)



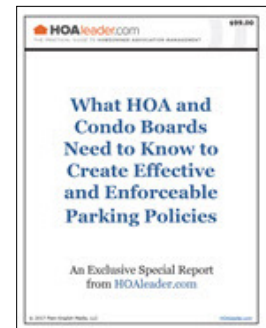
Pets at Condos and HOAs: Best Practices for the Challenges that Come with Residents' Animals

You may recall a fact often cited by many HOA insiders: The biggest challenges boards face are “the 3 Ps,” which stand for Parking, Pets, and People. Here, our editorial team and our legal and management experts nationwide have come together to provide information on best practices for handling the difficult issues you face with pets in your community. [Download now »](#)



What HOA and Condo Boards Need to Know to Create Effective and Enforceable Parking Policies

HOA insiders often say that the biggest challenges boards face are “the 3 Ps.” Based on your own experience as an HOA board member, you can probably guess that those Ps stand for Parking, Pets, and People. It’s our overarching goal to make your life easier. So with this report, “Eliminate Parking Problems at Your HOA: How to Create an Effective and Enforceable Parking Policy,” we’re aiming to remove parking as one of the issues that throws speed bumps in your path to effective management. Here our editorial team and HOA legal and management experts all over the nation share with you tips and tools you can start using today to take the angst and stress out of parking in your community. [Download now »](#)



HOA Debt Collection from A to Z: How to Create and Implement a Debt Collection System at Your HOA Special Report

In this report, our editorial team and experts on HOA law, management, and collections from across the country provide information you can begin implementing immediately to collect money due your association more quickly and easily. [Download now »](#)



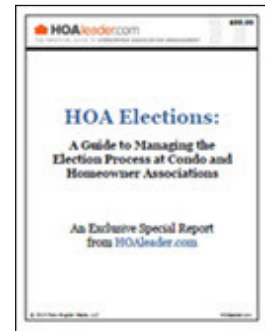
HOA Checklists: Your Road Map for an Entire Year of Homeowner Association Operations

This report is intended to be your road map for an entire year of operations that you begin using today and turn to for years to come. It provides you with checklists compiled by our editorial team with substantial input from experts on HOA operations and management from across the country to ensure you’re steering your association in the right direction and not letting crucial issues slip through the cracks. [Download now »](#)



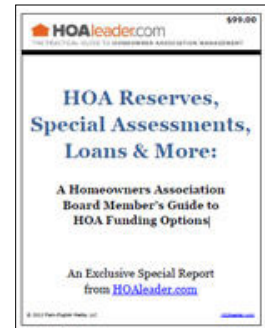
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HOA Reserves, Special Assessments, Loans & More: A Homeowners Association Board Member's Guide to HOA Funding Options

In this special report, you'll discover tips and guidance on funding options from HOAleader.com's expert contributors—professionals who've devoted their careers to serving and advising homeowners associations. Governing documents and state laws vary, but this information will help you understand how your association can meet all of its financial needs—and thrive. [Download now»](#)



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1. HOA Voting: Everything You Need to Know About Proxies

What's a proxy? Who can assign it and when? Who can it be assigned to? Can your association implement any limits on the use of proxies? Here, our expert contributors answer your questions. [Read more»](#)

2. The Top Seven Reasons HOAs Get Sued

Smart HOA boards need to know the answers to two questions: What are the most common reasons associations get sued? And how do they head off those costly cases? Here are answers. [Read more»](#)

3. HOA Board Members: 7 Things You Must Know If You're Sued Personally for Board Actions

Sometimes homeowners sue HOA boards, and sometimes they sue both the board and board members individually. Here are seven things you should know if you're personally sued for actions taken as a condo or homeowners association board member. [Read more»](#)

4. How to Differentiate Between HOA Repairs and Home Owner Repairs

An HOAleader.com reader writes, "What policies can a board implement to ensure the association is paying for common element maintenance only? Our association has a lot of exterior leaks, which hopefully for the most part has been resolved. Unit owners claim the damage is from an exterior leak. The HOA pays for the repairs, but there seem to be additional repairs performed that are unrelated to the exterior leak. This has been going on for years and has become a great expense to the association." Here we provide guidance on policies and procedures you should implement to determine which repairs your HOA should cover and which home owners must pay. [Read more»](#)

5. What Happens When Nobody Runs for the HOA Board?

An HOAleader.com reader wants to know what happens when nobody runs for any open board seats. Here our experts give the lowdown. [Read more»](#)

6. The Facts on What HOA/Condo Board Presidents Can and Can't Do

Can your HOA or condo board president vote on routine issues at your association's board meetings, or is the president allowed to vote only if there's a tie?. [Read more»](#)

7. HOA Checklists: Your Road Map for an Entire Year of Homeowner Association Operations

This report is intended to be your road map for an entire year of operations that you begin using today and turn to for years to come. It provides you with checklists compiled by our editorial team with substantial input from experts on HOA operations and management from across the country to ensure you're steering your association in the right direction and not letting crucial issues slip through the cracks. [Read more»](#)

8. Living Up to Your Fiduciary Duty as an HOA Board Member

"Fiduciary" is not just a big word. It carries legal consequences if you—even unknowingly—breach that duty. Here's what you need to know about fulfilling your fiduciary duty as a homeowners association board member. [Read more»](#)

9. 9 Mistakes New HOA Board Members Make—And How to Avoid Them

Here we list the nine most common mistakes new HOA board members make and provide tips for turning those mistakes into successes. [Read more»](#)

10. HOA Owners and Security Cameras: OK or No Way?

In the blogosphere, an HOA owner contends her neighbor has put security cameras in places that intrude on her privacy, like above his unit's door in the common area and on his window pointing at her unit. The HOA asked the owner to remove the camera in the common area, and he did. No word on any HOA action in the second incident. [Read more»](#)

11. 9 Responsibilities HOA Boards Shouldn't Delegate to a Manager

HOA management companies can be a great help to an association's board of directors. But a manager is not supposed to usurp the board's duties. Here we share nine duties you shouldn't allow your HOA manager to handle. [Read more»](#)

12. HOA Elections: 6 Mistakes to Avoid with your Condo or Homeowners Association Elections

It's very easy to invalidate an election by not following every rule to a T. Keep an eye out for these common mistakes condo and homeowners associations make when conducting elections. [Read more»](#)

13. HOA Transition Tips: Moving from Developer to Owner Control

The transition from a developer-controlled to a homeowner-controlled community is fraught with risks for homeowners. If your HOA board is about to take over from your developer or has recently done so, here are tips for making sure the transition goes as smoothly as possible. [Read more»](#)

14. HOA Board Meetings: Open Meetings and Executive Session—What You Must Know

Does your state require that your condo or homeowner association board have open meetings? If so, what does that mean? And what about executive session? What can you discuss privately, and what must you discuss in front of homeowners who wish to attend? Here's a rundown. [Read more»](#)

15. Handicap Parking: What Your Homeowners Association Must Know

Is your condo or homeowners association required to provide handicapped parking for residents and visitors? If so, how many spaces do you need, and where must they be? What if an owner requests handicapped parking? Can you require proof, and where must you locate the spot? When can you legally deny the request? Here, we answer those questions. [Read more»](#)

16. HOA Communications: Dos and Don'ts for Responding to Owners' Letters to the Board

Surely, you get letters from owners. The question is how your should HOA Board of Directors respond. Do all letters require a response? If not, which do, and which don't? And who should respond? Your board president, the property manager, or another person? Finally, what should and shouldn't you include in responses to owners' letters? Here we offer dos and don'ts. [Read more»](#)

17. Discussion Forum Follow-Up: Reining in Bullies on Your HOA Board

A reader on the HOAleader.com discussion board asks: "I am on the board of directors of our HOA, but the president is just running wild and not following any of the bylaws or CC&Rs..." Here, we provide tips for handling secretive, power-hungry board member tactfully yet effectively. [Read more»](#)

18. 10 Traits of Successful HOA Board Members

What qualities must you have to be a good homeowners association board member? Here, our experts reveal the top 10 traits of board members who serve their HOA well. [Read more»](#)

19. HOA Board Member Behaving Badly? Know How and When to Discipline

You may be surprised to learn that you and your fellow volunteers can be disciplined for your behavior as members of the board of directors of your homeowners association or condominium association. Here we explain when it's appropriate for boards to consider disciplining their fellow board members, along with the possible range of action they can take. [Read more»](#)

20. Master Homeowners Associations: Is Your HOA Its Own Master?

Imagine your surprise. You buy a home in a community knowing full well that you'll become a member of your local homeowners association only to learn that your homeowners association is really a subassociation and you're bound to follow the rules of a bigger "master" association. Here's a primer on master associations and how masters and subassociations, often called "subs," interact. [Read more»](#)

21. HOA Rules: What You Must Know About Flag Restrictions

There are several legitimate reasons why your HOA might want to provide guidance to homeowners on flag displays. Before you do, however, make sure you understand the maze of laws governing the issue. [Read more»](#)

22. Robert's Rules for HOAs: What You Need to Know

Robert's Rules of Order is a more-than-100 year old guide that provides governing bodies procedural rules to keep their deliberations orderly. What are the pros and cons of following Robert's Rules? If your association decides to follow it, what are the most important rules everyone should know? Here's a summary. [Read more»](#)

23. Tax Day: What Your Board Must Know about Homeowners Association Taxes

Homeowners associations have to file tax returns like the rest of the corporations in the United States. Here's a primer on the rules associations must follow when they file and advice on minimizing the stress of tax day for your HOA. [Read more»](#)

24. HOA Pet Rules & Required Accommodations: The Facts About Comfort Animals

Is Fido a medical necessity, or are we being taken for chumps? That's the question HOA board members are asking themselves as a growing number of owners claim that their beloved pet isn't a violation of their association's rules but a critical part of their medical treatment. Here's what you need to know about comfort animals and how your association should treat owners' requests for them. [Read more»](#)

25. What's a Reasonable HOA Fee or Penalty?

An HOAleader.com reader writes, "Our HOA is considering charging fees and penalties for noncompliance with our covenants and restrictions. What are some ideas on amounts to charge for violations? Example: Not repairing when given notice, not picking up dog poo? Need some feedback from other associations for different violations they charge for and how much." [Read more»](#)

26. HOA Reserve Studies: What You Need to Know

Just what is a reserve study? What should it include, and how often should it be done? We've got answers. [Read more»](#)

27. A Sex Offender Has Moved Into Your HOA ... What Now?

If you're like most homeowners, your first thought when you learn that a sex offender has moved into your community is: What can we do to get the offender to leave? Here's what you must know about your association's—and the offender's—rights. [Read more»](#)

28. Can You Have "Working" HOA Meetings and Exclude Homeowners?

A new type of meeting has sprung up among some HOA boards—the "working meeting." It supposedly permits boards to meet in private outside of regular meetings and not provide owners notice or the opportunity to attend. Is this legit? [Read more»](#)

29. HOA Fees on Rentals: Can Your HOA Impose a Fee Just Because Owners Rent Their Unit?

Sure, you can probably require owners who rent their units to pay a security deposit to your HOA to cover the tenant's potential damage of HOA facilities. You can probably also charge move-in and move-out fees. But can you slap a general fee on owners who rent out their units just because? [Read more»](#)

30. No Quorum for Meeting to Elect a Board: Give Up? And Can the Prior Board Carry On?

An HOAleader.com reader asks, "The CC&Rs say 51% for a quorum. If no quorum, quorum requirements drop to 25% for the adjourned annual meeting. My question is if a first adjourned meeting has to be called because the 25% quorum requirements were not met, and the second adjourned meeting also fails to meet the 25% quorum, what then? Does the sitting board just continue into the next term? When does the board declare failure to meet quorum requirements and end the torture?" [Read more»](#)

31. What HOA and Condo Boards Need to Know About Regulating Rentals

Rental restrictions are unlike most other policies HOA boards create because they necessarily curb owners' real property rights. The law jealously protects property owners' rights, which means any HOA board that seeks to restrict rentals in their community needs to act wisely and deliberately. [Read more»](#)

32. How Far Does an HOA President's Power Extend? Discussion Forum Follow-Up

Can a president sign a landscape contract without the board's approval? And did the president of this reader's HOA have a conflict of interest here? Our experts provide answers. [Read more»](#)

33. Who's Responsible for an HOA's Poorly Designed Drainage System?

An HOAleader.com reader writes, "I live in a PUD, and my home is the lowest lot on the street of our association, consisting of 26 homes and 4 townhouses. These homes were built 15 years ago before our city implemented city storm-water management guidelines; therefore, the builders didn't have any guidelines regarding downspouts and water runoff. [Read more»](#)

34. HOA Architectural Review: How to be Fair and Reasonable With Requests for Variances

It's inevitable that at least one of your homeowners will approach your board and ask for a variance from the association's architectural review standards. Can your HOA grant a variance? If so, should it? Here are some answers. [Read more»](#)

35. HOA Board Waiting for Developer Transition; 7 Tips to Handle Developer Control

An HOAleader.com reader writes, "I live in the state of Delaware... [and] our community is in the early stages of development; there are about 100 lived-in homes. The community is about seven years old... I have lived here less than two years. Our developer has appointed a board of directors consisting of three of his employees and probably not surprisingly maintains solid control of the community. [Read more»](#)

36. Pets at Condos and HOAs: Best Practices for the Challenges that Come with Residents' Animals

You may recall a fact often cited by many HOA insiders: The biggest challenges boards face are "the 3 Ps," which stand for Parking, Pets, and People. In this exclusive report from HOAleader.com, our editorial team and our legal and management experts nationwide have come together to provide information on best practices for handling the difficult issues you face with pets in your community. [Read more»](#)

37. Homeowner Association Boards - Group Discounts

For a limited time, all members of HOAleader.com can take advantage of a complimentary upgrade to group membership. With a group membership, the rest of your HOA or condo board—up to 9 additional member—will get their own member accounts. [Read more»](#)

38. HOA Financial Matters: What's Receivership, and When Do Condo and Homeowner Associations Need It?

Though it's still rare in community associations, receivership has become more common in today's economy. With any luck, your HOA will never experience receivership. But some unlucky associations will. So here are some basics on receivership, along with information about how it's arising in condo and homeowner associations today.

[Read more»](#)

39. 5 Steps to Take When an HOA Board Member Steps Down

It doesn't matter the reason for a board member's departure. It could be due to a regular transition after a vote. Maybe there was a scandal! Either way, when a board member becomes a former board member, you need to protect the organization and its confidential materials. [Read more»](#)

40. HOA Elections: A Guide to Managing the Election Process at Condo and Homeowner Associations

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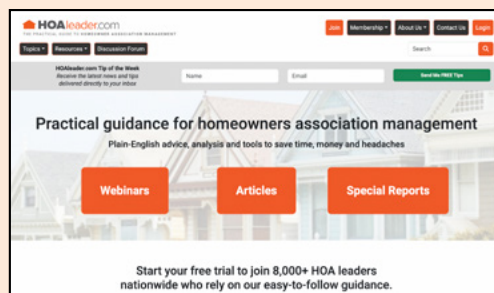
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