

Guidelines for Elections in Common Interest Communities

These guidelines are intended for use in the drafting or amendment of common interest communities' by-laws. They may be adopted in full or otherwise modified to best serve the interests of the particular community.

I. Eligibility to Participate in Elections

a. Who May Vote and Run for Office

- i. Unless the governing documents expressly state otherwise, only owners of record in good standing and residents holding valid proxies or powers of attorney of such owners of record may vote and run for office.
- ii. An owner of record at the time of an election who has fully paid all assessments charged by an association shall be deemed to be in good standing and be eligible to vote, be elected to, and serve on the governing board, including an owner who is in full compliance with a settlement agreement or has a pending, unresolved dispute concerning the charges assessed which has been brought in good faith to the attention of the association by way of initiating an ADR proceeding or pertinent court action.
- iii. No rule violation other than failure to pay a valid and undisputed assessment shall be grounds for preventing an otherwise eligible person from voting or seeking election.

II. Election Supervision

- a. The board shall select an impartial panel of owners or other impartial persons (*not* including property management personnel or agents) to supervise the opening and counting of ballots. The association members shall be promptly notified of the selection of such persons at least 30 days prior to the election.

III. Notice of Elections

- a. At least 60, but not more than 90 days before any election, the association shall make known the address to which eligible voters and candidates may send correspondence to the association regarding elections, including statements requesting placement on the ballot in the upcoming election to the board.
- b. The association shall provide each member specific notice of the date, time and place of any election at least 60 days prior to the election (except special elections, which shall require 90 days' notice) and a second notice between 10 and 15 days before the election.
- c. These notice requirements (and all election notice requirements, except as otherwise provided herein) may be met by hand-delivery, regular mail, email or by inclusion in any association newsletter, provided that all such notices shall be delivered in such manner that they are likely to be received by all members of the association within the times set forth herein.
- d. The second notice (including the 'ballot package') shall include the ballots, candidate information statements, inner and outer envelopes, and instructions as described below. In the event that such notices have been sent via electronic means, each voter shall also be provided paper versions of the 'ballot package' by mail or hand-delivery at least 10 days prior to the election.

IV. Running for Office.

- a. A unit owner or other eligible person desiring to be a candidate for the board of the association shall give written notice to the association not less than 40 days before a scheduled election.
 - i. Written notice may be on a form provided by the association which shall only request: candidate's name, mailing and electronic address (if any), unit or lot owned, or in which the candidate resides (if a tenant).
 - ii. If a candidate is running for an executive board position (*e.g.* President, Trustee, etc.) the form or notice shall state the position(s) sought.
 - iii. Within 10 days, the association shall provide written receipt of the candidate's notice, including confirmation that the candidate's name will be placed on the ballot.

- b. Any candidate may include a ‘candidate information sheet’ setting forth any desired pertinent information (not to exceed one 8&1/2 x 11” sheet). This sheet shall be included in the ‘ballot package’ and shall not be edited, altered or modified by anyone other than the submitting candidate, except to delete words not routinely published by mainstream newspapers of general distribution.
- c. The association, the existing board, the property manager, their agents or employees shall not prohibit a candidate from independently sending further information to association voters. All eligible candidates shall be entitled to the current voter list, including addresses, but not additional information.

V. Ballots Format & Substance

- a. After the period for candidate submissions has ended, the association shall prepare a written ballot. The ballot shall list every eligible candidate for each office of the governing board in alphabetical order by last name and provide appropriate boxes in which voter preferences may be clearly indicated. The failure of the written ballot to indicate the name of each eligible candidate who has not withdrawn shall require the association to prepare and deliver new, corrected ballots at least 7 calendar days prior to the election.
- b. Ballots shall be designed to ensure each voter’s anonymity and shall be uniform in color and appearance.

VI. Voting Process

- a. Elections shall be held at the time and place at which the annual meeting is scheduled to occur, or as otherwise permitted or required (and on proper notice) by the governing documents. A quorum is not required, unless required by the association’s governing documents.
- b. The association shall mail or deliver to each eligible voter at the address listed in the official records a ‘ballot package’ which shall include the ballot, an instruction sheet, any candidate information sheets and the inner and outer envelopes described below. The ballot package, the ballot itself and the accompanying documents shall not contain any communication by the board, the association or property manager that endorses, disapproves, or otherwise comments on any candidate.
- c. Balloting shall be accomplished in the manner in which New Jersey absentee ballots are cast; that is to say, that the ballot package shall contain outer and inner

envelopes provided by the association, as well as an instruction sheet. The instruction sheet shall instruct the voter to place the completed ballot in the inner envelope, place no markings or writings on it, seal it, and insert it into the outer pre-addressed one, which the voter shall seal. The outer envelope shall be addressed to the election supervisors (but if preferred, the unit owner may address it to the association). The exterior of the outer envelope shall indicate the name of the voter, the unit or unit numbers being voted, and shall contain a signature space for the voter. The inner envelope shall have no marks identifying the voter. The voter shall sign the exterior of the outer envelope in the space provided. The completed ballot(s) contained in both the inner and outer envelopes shall either be mailed or hand-delivered to the association or election supervisors. After its receipt by the association or election supervisors, no ballot may be rescinded or changed. Any ballot that does not substantially conform to the instructions shall be disregarded by the election supervisors.

- d. Completed ballots received by the association shall be immediately placed in the control of the election supervisors, who shall retain and collect all ballots, and shall not open them except in the manner set forth below.
- e. The ballot described above may be used as an absentee ballot by any eligible voter and no special form is required. The association shall not require in-person voting, but shall always allow the submission of ballots by mail or by other delivery to the association.

VII. Tallying Votes.

- a. The election supervisors shall hold unopened all envelopes containing ballots and transport them to the election site.
- b. The election supervisors shall verify each voter's identity and eligibility in accordance with these rules and shall check the names against the list of those who have been recorded as having previously cast a ballot in the same election. At the election, the association shall announce that any eligible voter in attendance and whose eligibility has been verified and who has not cast a ballot may do so, and shall allow a reasonable period for that purpose. The association shall have blank ballots available for use by eligible voters. Such in-person voters shall be instructed to cast their ballots in the manner provided above. After any newly cast ballots have been verified, received and placed with the existing ballots, no more votes shall be accepted.
- c. Immediately following in-person voting at the meeting, the election supervisors shall open all the outer envelopes and place the inner envelopes into a suitable receptacle. The election supervisors shall immediately open the inner envelopes,

remove the ballots and count the votes in the presence of the unit owners then in attendance.

- d. Any inner envelope containing more than one ballot shall be marked “Disregarded”, or with words of similar import, and any ballots contained therein shall not be counted.

VIII. Post-election.

The results of the election, including the vote tallies for each candidate and office shall be publicly announced at the election meeting and included in the minutes. If the outcome of the election for any particular office shall have resulted in a tie-vote, the announcement of the result shall include notice of the requirement for a new election for that office, to be noticed and held in the same manner as the previous election.

IX. Preservation of Records

Notices of election, notices of candidacy for election, information sheets, voting envelopes, ballots (including those disregarded), sign-in sheets, and all other papers relating to voting shall be maintained as part of the official records of the association for a period of two years.