



Condominium Association Elections

By Stephanie Parson, Association Attorney

Your condominium association's elections for the Board of Directors are regulated by the Florida Condominium Act (Chapter 718 of the Florida Statutes) and Rule 61B-23.0021 of the Florida Administrative Code. Your association's governing documents, usually found in the By-Laws, may also contain specific requirements for the election. To ensure a valid election, it's crucial to follow key deadlines and procedures.

Your governing documents might specify the annual meeting date and/or place. In this case, the election should take place on the same location, day and time as your association's annual membership meeting. Otherwise, the Board may have flexibility in determining it.

It is extremely important for the association to adhere to the deadlines as they are required by law:

1. If the association would like to conduct electronic elections, it must authorize it in a board meeting ahead of the elections.
2. The association must send out a first notice at least 60 days before the election. This notice should include the association's name and address, the meeting date, and the meeting place. If electronic voting is authorized, the procedure and deadline for members to consent to it.
3. The association can create a search committee can encourage members to run. But the association should NOT create a committee to nominate candidates. The Candidates must submit a notice of intent to run at least 40 days before the election. Notice of intent needs to include the candidate's name, the property they represent, and provide a 100 word or less informational biography about themselves and why the Community will benefit from their service on the board. They must provide this information at least 35 days before the election.

Candidates must meet eligibility requirements set forth in the Florida Condominium Act, such as being up-to-date on monetary obligations to the association, not having

been previously suspended or removed from the board by the Division of Florida Condominiums, Timeshares, and Mobile Homes, and not being convicted of a felony unless their civil rights have been restored for at least five years.

The governing documents may have additional eligibility requirements, like being a member or owner of a unit. Ensuring a candidate's eligibility by the 40th day is crucial; an ineligible candidate on the ballot could invalidate the election if discovered too late.

The number of board vacancies may vary each year, especially if staggered terms are allowed. If there are more vacancies than candidates, the association isn't required to have an election. It will still hold the annual meeting and announce the new board members and vacant seats.

4. Between 14 and 34 days before the election, the association must send a second notice containing the meeting agenda, candidate information sheets, the ballot, and two envelopes—an "outer" and "inner" envelope—to maintain ballot secrecy and voter anonymity.
5. At the time of the elections, In order for the elections to take place, at least 20% of eligible voters must cast ballots. This is different from a quorum requirement for meetings. The election is decided by a plurality of votes.

Issues may arise during the election process, and your association attorney can guide you to ensure compliance with the Florida Condominium Act, Florida Administrative Code, and your governing documents.