

THE COMMUNITY BUILDER

Board Meetings: Designated Voter

In every Association at some point, the members are going to be required to cast a ballot, whether it is voting in an election or on some other issue such as an amendment to the Declaration, Articles of Incorporation or Bylaws. It would seem this is a simple enough process since the election materials or the proposed amendment would be sent out with a ballot. All the member would need to do is execute it and send it back or take it to the meeting themselves. Simple, except when your documents require a special procedure when a unit or home is owned by more than one person, (this generally includes a married couple, two people living together, a father and son or daughter or any combination thereof) to designate who is going to cast the vote for the unit. When required, a certificate must be on file with the association and must be signed by all owners of record in order for it to be valid. If this simple process is not followed, votes cast by anyone other than the Designated Voter would be considered invalid. Consider the outcome on an important amendment such as lowering the quorum requirement or implementing a cost saving measure, one invalid vote could change the entire result.

Sentry Management reads every set of documents at set up to determine if a community requires a designated voter. It goes into the set-up information and any time a member vote is required for an election or an amendment, a designated voter certificate is mailed along with the rest of the package. The instructions on how to fill out the form are on the back of the form. It is pink in color and comes with a pink envelope to help ensure that it is noticed and mailed back prior to the meeting. Once that form is filled out and returned to our office, the name of the Designated Voter is entered into the individual file. All information is then sent to the Designated Voter. The Designated Voter can be changed by filling out a replacement form. The sign-in sheets used at meetings reflect the owners' names but also clearly reflect who the Designated Voter is and only that person can sign in, execute a ballot or execute a proxy or substitution of proxy.

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While this may seem an imposition and an annoyance, any challenge to an election or an amendment would invalidate the outcome if the ballots were executed by anyone other than the Designated Voter. If your community's documents require a Designated Voter, it is important this requirement be communicated to existing owners and new owners alike. Like any election, you want your voice and vote to count.