

THE COMMUNITY BUILDER

Voting Methods

Voting is the method of expressing the collective will of the membership. There are five basic ways for that voting process to take place: (1) by "general consent", (2) by "voice vote", (3) by "show of hands", (4) by "roll call", (5) by "ballot" or voting machine. Each type of voting can be used effectively at a well-run meeting of the members.

Voting by "general consent" is most often used when there is no objection to an issue before the membership. The chairman of the meeting will simply ask if there is any objection to the motion on the floor and, if there are none, the chairman will declare that the motion is approved. "Voice voting" is used when an issue before the members is relatively non-controversial. The chairman of the meeting will ask for those in favor of the issue to say "aye" and for those who opposed to the motion to say "no". The chairman will then rule on which group carried the motion. A voice vote should be taken only when the motion requires a majority vote, and if a member disagrees with the ruling of the chairperson on the voice vote, the member may request a count by one of the other voting methods.

Voting by "show of hands" is often a simple sight version of a voice vote, and does not necessarily require that an actual count of hands be made. An exact count of the hands can be made, but an exact count by roll call or by ballot is more correct. A "roll call" vote requires that the name of each member present be called allowing for a response of "yes" or "no" to be made on the issue. Because a roll call vote is both time consuming and tedious, it is rarely used at association meetings.

Voting by "ballot" or voting machine is the preferred alternative when an exact vote tabulation is desired. Unless the Association bylaws provide for an alternative method of election, voting by ballot or by voting machine is required for electing board members. One of the legislative changes made in Florida this year, provides the ability for electronic voting.



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Ballots are also recommended on votes to waive or reduce funding reserves, to waive or reduce financial statement requirements, to amend documents and other votes where the statutes may require the use of a limited proxy. I have to add a strong caveat here as it relates to the very strict and specific requirements of Florida condominiums that the use of a Limited Proxy is required for those items named above, with a strict period of notice prior to the meeting. This process and time frame requirement for notices cannot be avoided.

A vote by ballot is secret and no owner should permit another to mark his or her ballot nor should secret ballots have any requirement for an address, lot number or signature of the owner. It is SECRET.

The tabulation or counting of the ballots should be done by appointing inspectors of the election. Homeowners not related to candidates if an election tabulation is being done; volunteers if the vote is for other than an election with guidance from your management team or other if specified by your documents. During the period when the tabulation is being done, it is appropriate to temporarily "adjourn" the meeting to be reconvened when the tabulation has been completed and the meeting proceeds to the remaining business on the agenda. In documents I have read recently, it specifically addressed the issue of NOT indicating the number of votes each candidate received, only that they be named as the successful candidate.

It is appropriate that members should be provided the opportunity to speak and address any issues they feel are important to be brought before the membership. The issue brought before the membership may not carry with it the membership's right to vote on it as issues on which members may vote are relegated to very specific issues detailed either in the documents or sometimes statute. If an issue is made into a Motion and then "voted" on by the membership, it is not a legal and binding motion requiring action. However, it would indicate something for the Board to take under advisement or to act on in the coming year as the membership felt very strongly about it.



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A successful annual meeting requires planning in advance and clear communication to the members. In some communities, the documents may require items such as a Designated Voter Certificate. This requirement stipulates that if a unit is owned by more than a single person, then the owners must designate (usually via a certificate in writing) which one of the owners will represent the unit. When this certificate is properly filled out, all official notices and mailings will be made to this owner. Generally the Certificate and designation is good until it is rescinded by the owners making a change. Improperly executed proxies or ballots may invalidate the vote or presence of a particular owner if not correct. Probably the most difficult to understand is when a unit is owned by a corporate owner.

An officer of the corporation must designate who the representative for the unit will be, even if it is himself. Sometimes a designated voter is required even of spouses. So it is important to read the documents and be aware of the requirements prior to the meeting. I attended a meeting a few years ago that resulted in a very important amendment not being passed because the Board overlooked the requirement in their documents that all units with multiple owners, appoint a designated voter. The ending was not pretty.

Adjournment concludes the proceedings, and in almost all cases, it occurs because there is no further business to come before the meeting. On rare occasions, a simple ending of the meeting may not be desired or may not be easily accomplished. Under such circumstances, the presiding officer must be prepared to deal with the unusual or unexpected. Since the motion to adjourn the meeting is the highest priority motion available from the floor, the presiding officer may need such a motion to be made if the meeting becomes disruptive or unruly. When made in simplest form, the motion to adjourn is not debatable and it may be made, seconded and voted on before control of the proceedings is lost.

Planning in advance for a successful meeting will most often result in a successful and informative meeting providing a positive platform for moving forward for the community and the newly elected Board.

