

Elections – Chapter 718 - Condominiums

Overview

Chapter 718 outlines detailed rules for condominium board elections to ensure fairness and transparency. Election procedures require strict adherence to notice and documentation timelines. These procedures collectively ensure that condominium board elections are transparent, secure, and consistent with statutory requirements.

Candidate Eligibility

- A unit owner must be eligible to serve on the board at the time of the deadline for submitting a notice of intent to run in order to have their name placed on the ballot.
- Board members' terms expire at the annual meeting. They may run again unless prohibited by the bylaws or statute.
- A board member may not serve more than eight consecutive years on or after July 1, 2018, unless approved by an affirmative vote of two-thirds of all votes cast or unless there are not enough eligible candidates to fill the vacancies.
- Co-owners of a unit may not serve on the board at the same time unless there are not enough eligible candidates.
- Any director or officer more than 90 days delinquent in assessments is deemed to have abandoned their office.
- Felony convictions disqualify a candidate unless civil rights have been restored for at least five years.

Candidate Information Sheet and Notices

- At least 60 days before the election, the association must send the first notice of the election to all unit owners entitled to vote.
- A candidate must submit written notice of intent to be a candidate at least 40 days before the election.
- At least 35 days before the election, a candidate may submit an information sheet to be distributed with the ballot. The sheet must be limited to one side of an 8½ by 11-inch page, and associations may print on both sides of paper to reduce costs.
- The association is not responsible for the content of candidate information sheets and must include candidate information sheet with ballot.
- At least 14 days and no more than 34 days before the election, the association must send the second notice of election, which must include the ballot listing all eligible candidates.

Candidate Written Receipt

- When a notice of intent to run is submitted in person and on time, the association is required to issue a written receipt acknowledging delivery of the notice.
- If the notice is mailed or delivered by other means, a receipt is not required.

Election Ballots

- All ballots must be distributed with the second notice, at least 14 days but not more than 34 days before the election date.
- Ballots must list all eligible candidates who submitted timely notices of intent.
- Elections are decided by a plurality of the ballots cast.
- There is no quorum requirement for an election, but at least 20 percent of eligible voters must cast a ballot for the election to be valid.
- Write-in candidates are not permitted to be listed on the ballot.
- The association may require that only official ballots provided by the association may be used.
- Ballots remain valid even if the unit owner does not print their name on the outer envelope, as long as the envelope is signed.
- Random markings on a ballot do not invalidate it.
- A unit owner may not authorize another person to vote their ballot, but may send their sealed ballot with another person for submission.

Election Envelope

- Each ballot must be placed inside an inner envelope with no identifying information.
- The inner envelope must then be placed inside an outer envelope with the unit owner's signature, and if printed, the unit number.
- The association must have blank ballots available at the election meeting for owners who have not yet voted.
- An impartial committee may verify outer envelopes at a properly noticed meeting held on election day. Committee members cannot be board members, officers, candidates or their spouses.

Election Process and Timing

- Voting closes once the outer envelopes are opened or electronic votes are accessed, whichever comes first.
- The regular election must occur on the date of the annual meeting.
- If there is a tie, a runoff election notice must be sent within 7 days of the election.
- The runoff election must be held no fewer than 21 days and no more than 30 days after the date of the tied election.

Electronic Voting

- Associations may use online voting if approved by board resolution and if unit owners consent.
- If within 180 days of after last election, at least 25 percent of the voting interests petition for electronic voting, the board must meet within 21 days to adopt a resolution.
- The online system must authenticate the owner's identity, preserve ballot secrecy, provide a receipt confirming the vote, and keep votes accessible to election officials.
- Electronic votes count toward quorum.
- If the association has not adopted electronic voting, an e-mail address for receipt of ballots must be designated. A ballot submitted by email must include the unit number, the unit owner's typed first and last name (serving as the signature), and the statutory disclaimer:
"WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON."

Former Board Member Obligations

- A former board member must turn over all official records and property within five days of leaving office.
- Civil penalties may be imposed against outgoing association or board member if the failure to turn over property is willful and knowing.

Improper Board Nomination

- A board of administration may create or appoint a search committee to help identify potential candidates.
- The search committee is limited to encouraging qualified persons to become candidates and may not nominate candidates.

Misconduct and Enforcement

- Forgery of ballots, ballot envelopes, or voting certificates; theft or embezzlement of association funds; or destruction of or refusal to allow access to official records is a criminal act requiring immediate removal from office.
- Fraudulent voting activities, including bribery, intimidation, altering ballots, or false swearing, are punishable under Florida criminal law.
- The Division has jurisdiction over election and recall disputes, electronic voting compliance, and recall procedures.
- The Ombudsman office may appoint election monitors when petitioned by at least 15 percent of the voting interests or 6 unit owners, whichever is greater.