

Association Essentials Series

Helping you manage your association



PRESENTER



MICHAEL JOHNSON, CMCA, AMS, PCAM

Founder and CEO | HOALiving Network

- ✓ **27 years in the industry (2 years as HOA President)**
- ✓ **Member of the Community Associations Institute (CAI)
Board of Trustees**
- ✓ **National & International Faculty Member for CAI**
- ✓ **Member of CAI's US Government & Public Affairs
Committee (Federal Issues)**
- ✓ **Chair of Board Member Education Public Policy Task Force**
- ✓ **Member of Chapter Relations Task Force**
- ✓ **Member of Utah's CAI Legislative Action Committee**
- ✓ **2021 CAI Educator of the Year**

2024 Schedule

OCTOBER 30 Insurance 101

DECEMBER 4 HOA Communication Best Practices



WELCOME FRIENDS OF



A network of community association management and service companies



CONNECT WITH US



Social Media

Instagram: @hoa_living
Facebook: HOALiving
Twitter: @HOA_Living
LinkedIn: HOALiving



Community Scoop

Watch for our NEW, monthly "Community Scoop" e-newsletter and consider sharing it with your homeowners (past editions are available on our website)



Website/Portal

HOALiving.com

Access the AES schedule, timely updates and reminders, "You and Your Community Association," contact information, and much more



YouTube

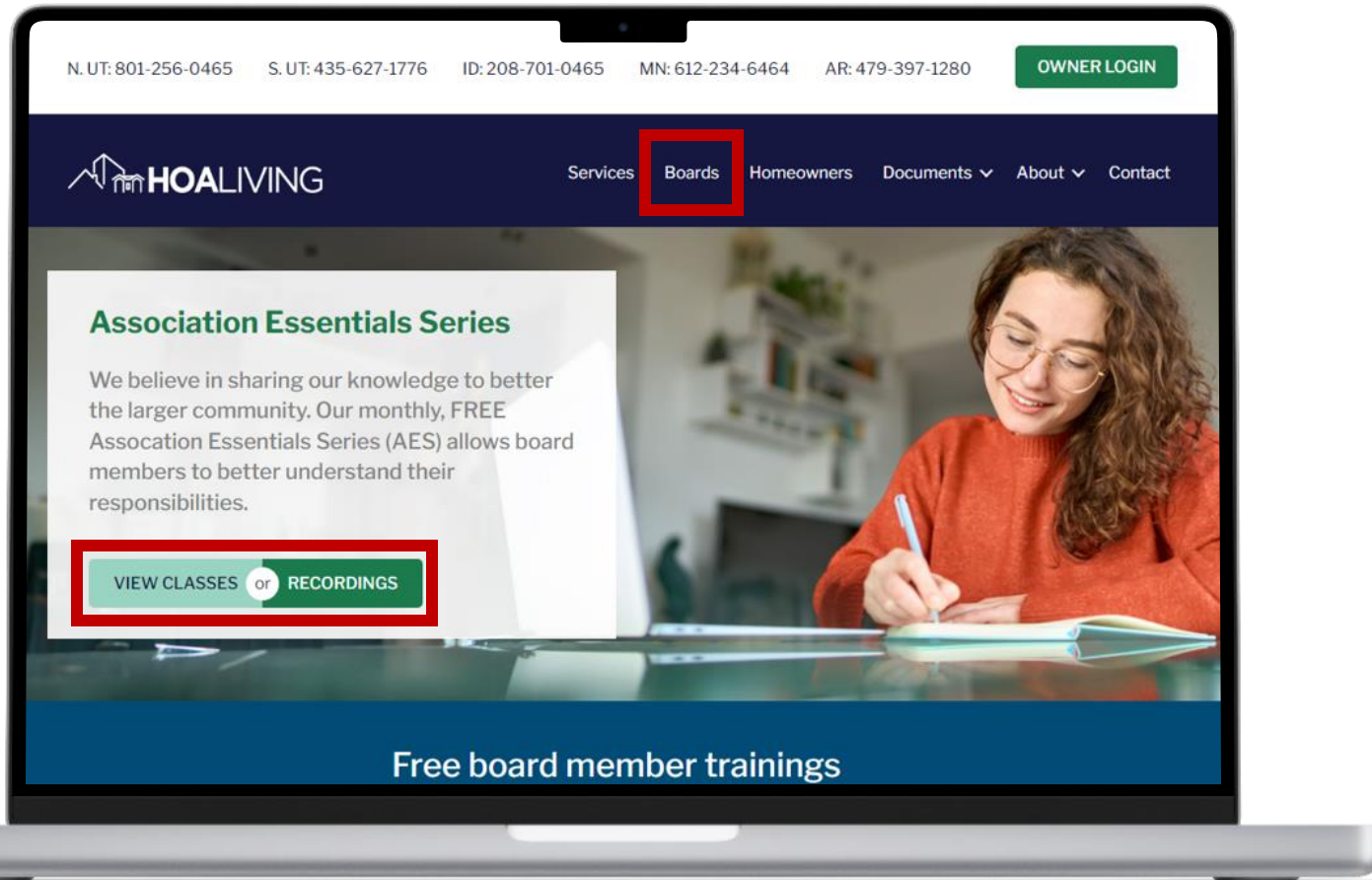
All AES sessions are recorded and posted to our YouTube channel. We recommend the "New HOA Board Member Basics" playlist.

ACCESS PREVIOUS TOPICS



HOALIVING.COM/AES/

- ✓ 101 Series
- ✓ Annual Legislative Updates
- ✓ Improving Efficiency
- ✓ Best Practices



OUR



**COMMUNITY
MANAGER**
of the **MONTH**

IS...

RECOGNITION PROGRAMS:

Empower your community:

Nominate a deserving
Community Manager of
the Month NOW!

A graphic for the Community Manager of the Month program. It features a woman in a blue blazer with her arms crossed. The text "COMMUNITY MANAGER of the MONTH" is overlaid in white. Below the text is a logo for "25 Years est. 1999 HOALIVING" with a house icon. A QR code is in the bottom left, and the URL "bit.ly/HOACMofMonth" is in the bottom right.

COMMUNITY
MANAGER
of the MONTH

25 Years
est. 1999
HOALIVING



bit.ly/HOACMofMonth

Winners receive a Gift Card AND a trophy!

OUR



IS...

RECOGNITION PROGRAMS:

**Empower your
community:**

Nominate a deserving
Board Member of the
Month **NOW!**



**BOARD
MEMBER**
of the **MONTH**

25 Years
est. 1999
HOALIVING

 bit.ly/HOA-Board-Month

Winners receive a Gift Card AND a trophy!

WE'RE DOING A SERVICE PROJECT!

HOALiving is assembling Hygiene Kits for students in Utah's Granite School District as part of our all-employee conference ("Connect") happening *next week!*

TODAY IS THE LAST DAY TO CONTRIBUTE!



SHOP OUR
AMAZON LIST



VENMO
@HOALiving-gives



A hand holding a ballot in front of a blurred group of people. The background is a dark, semi-transparent overlay with a faint house icon.

Association Essentials Series

Helping you manage your association

Association Elections: What to Know

and How to Prepare



The **GOAL:**

Finding the right candidates to

lead your association

and holding **successful** elections

GOVERNING DOCUMENTS

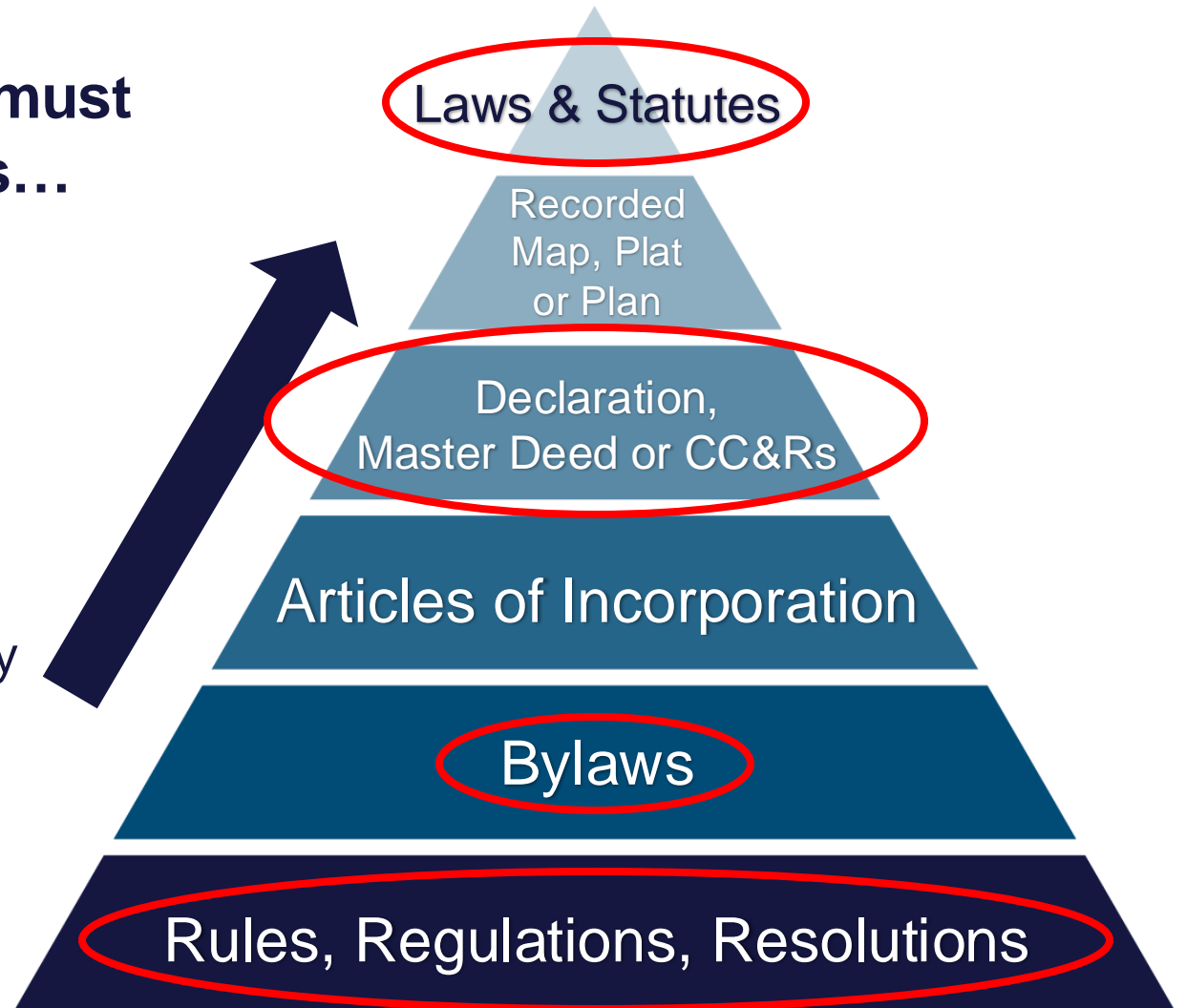
- **Elections in Governing Documents**
- **Check Governing Documents**
- **Potential Qualifications**
- **Resolutions**
- **Quick Review**
- **Administrative Resolutions**

Elections in Governing Documents

Prior to conducting an election, you must reference your governing documents...

Each community may have different requirements and procedures for elections!

Higher position = Higher Authority



Check Governing Documents

Make sure you and your board fully understand the requirements for:

Number of Board Members



Length of Terms



Board Member Qualifications



Potential Qualifications

- ❓ Do Board Members have to *be* homeowners
- ❓ Do Board Members have to live onsite
- ❓ Do Board Members have to be in good standing
- ❓ Can Board Members be on any other board
- ❓ Can Board Members have a criminal record/felony



What if board member qualifications are missing from your community's governing documents?

Examples of State Statutes

All state statutes *must* be followed when electing Board Members, followed by the bylaws and other governing documents

57-8a-501 Board.

- (1) A director shall be:
 - (a) a natural person; and
 - (b) 18 years old or older.
- (2) An association's bylaws may prescribe other qualifications for directors in addition to the requirements described in Subsection (1).
- (3) Without limiting the qualifications an association prescribes under Subsection (2), an association may, through governing documents or the board's internal procedures, disqualify an individual from serving as a director because the individual:
 - (a) has been convicted of a felony; or
 - (b) is a sex offender.
- (4) A director need not be a resident of this state or a unit owner in the association unless required by the association's bylaws.
- (5) Except as limited in a declaration, the association bylaws, or other provisions of this chapter, a board acts in all instances on behalf of the association.

30-30-602. QUALIFICATIONS OF DIRECTORS. All directors must be individuals. If the corporation is a cooperative, all directors must be members of the corporation, provided, that unless otherwise provided in the bylaws, a person who has the right to vote on behalf of an entity that is a member of the corporation may serve as a director. The articles or bylaws may prescribe other qualifications for directors.

History:

[30-30-602, added 2015, ch. 243, sec. 79, p. 985.]

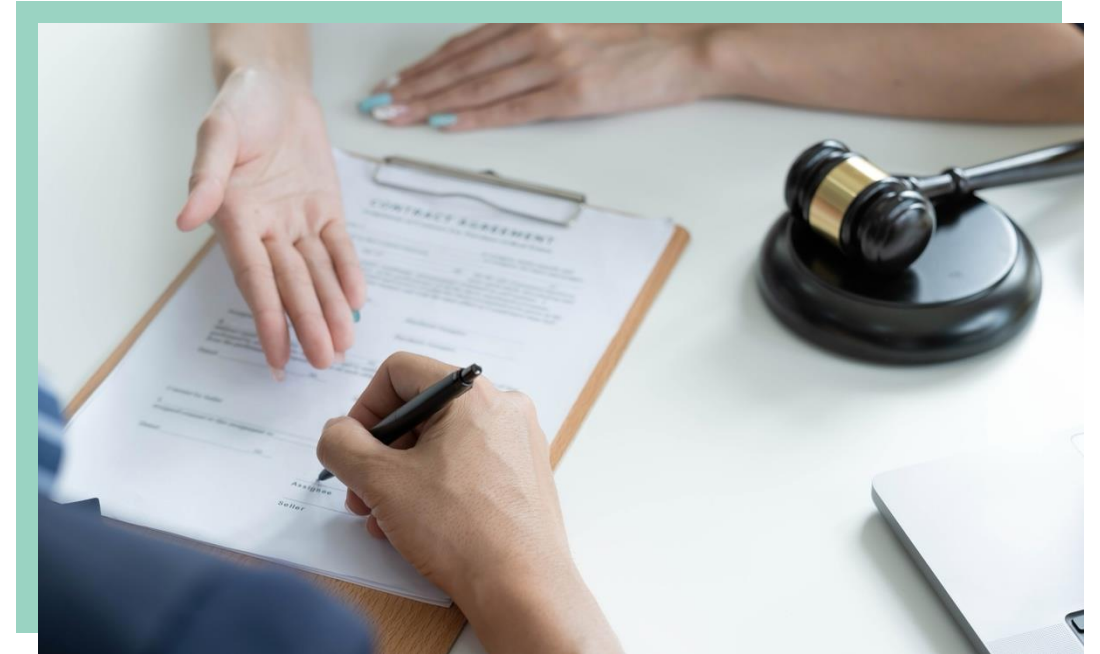
Resolutions

Resolutions may:

Enact rules and regulations or **formalize** other types of board decisions; consider:

- **Tie Votes**
- **Husband/Wife**
- **Multiples from Same Unit**

Resolutions are used to *clarify and expound* elements of the governing documents



Quick Review

Resolutions for Your Community Association:



Policy Resolutions



Administrative Resolutions



Special Resolutions



General Resolutions



*Scan **HERE** for our AES session on Resolutions*

Administrative Resolutions

Administrative (or Procedural) Resolutions:

- Internal operation – i.e. where board meetings will be held, election procedures
- Outline step-by-step processes that are applied consistently to all residents
- Can help clarify proper procedures for:
 - Elections
 - Plans for board meetings
 - Applications for use of common areas



BOARD OF DIRECTORS: *Who Should Serve?*

V O T E

- **#1 Characteristic for Board Members**
- **Fiduciary Duty**
- **Board Obligations**

#1 Characteristic for Board Members



#1 Characteristic for Board Members

Interested Owners

Who understand
the nature of
their fiduciary
duty...

Fiduciary Duty

*The responsibility to act in the best interest of a community association –
maintaining/increasing
property value and quality of life*

Fiduciary Duty

***NOT INDIVIDUAL
OWNERS AND NOT
THEMSELVES...***

Board Obligations

The board must use sound business judgment, and:

- ✓ **Act in the best interest of the association**
- ✓ **Be responsive to the needs and desires of owners**
- ✓ **Be familiar with the governing documents, state statutes and federal laws that impact the association**
- ✓ **Establish and enforce the governing documents fairly and uniformly**
- ✓ **Set the policies, standards, procedures, programs and budgets for the association**
- ✓ **Implement decisions – or delegate implementation – to a manager, committee or independent contractor (while not micromanaging)**

Board Obligations

Before these obligations can be met, board members must be elected...

And before board members can be elected...

*They must be open to serving their community and fulfilling this fiduciary duty as a **volunteer***



HOLDING AN ELECTION

V O T E

- **Annual Meetings**
- **Establishing Candidates**
- **Ways to Hold an Election**
- **Floor Nominations...A Discussion**
- **Preferred Resources**

ANNUAL MEETINGS

V O T E

Annual Meetings

In the context of elections, when we say
“meeting,” we typically mean
ANNUAL MEETING

An annual meeting location, date and
format must be determined *ahead of time*

Annual Meetings

Annual meetings are often the only meetings that directly involve **homeowners**

Homeowner attendance at annual meetings is one of the few ways homeowners can participate in the government of their association

ESTABLISHING CANDIDATES

V O T E

Nomination Committee

There are two ways to choose candidates:

1. Nomination Committee

- Selecting candidates ahead of a meeting
- Sometimes you don't have a choice here



Floor Nominations... A Discussion

YES?

NO?

Floor of the Meeting

There are two ways to choose candidates:

2. Floor of the Meeting

- Live nominations at meeting
 - Via submitted form
 - At the meeting



METHODS TO HOLD ELECTIONS

V O T E

Methods to Hold an Election



ANALOG

Paper Ballots or
Raising of Hands

“Unanimous Consent”



VIRTUAL

Online Shareable Link
to Host Site

Methods to Hold an Election

Analog Elections:

- **Floor of the meeting**
- **Can include floor nominations**
(virtual elections can, as well)
- **Paper ballots or show of hands**
- **Live counting during the meeting**
- **Announcing results during the meeting**
OR after a period of time, virtually



Methods to Hold an Election

Analog Election **LIMITATIONS:**

- **Ballots may need to be prepared ahead of time**
 - Paper slips, etc.
- **There must be more than one person designated to count votes**
 - Our recommendation: one current board member whose term is not expiring AND an owner who is not running for a board seat

Requires more prep work, more documentation and more participation from the board



Methods to Hold an Election

Virtual Elections:

- **Can happen before the meeting**
- **Can include a write-in option**
(analog meetings can, as well)
- **Shared link via email, electronic ballots**
- **Automatic counting via election software**
- **Announcing results during the meeting
OR before, virtually**



Methods to Hold an Election

Virtual Election **LIMITATIONS:**

- **Virtual elections take place over email**
 - This requires a good population of homeowners with email addresses
 - AND this requires the board to have access to a list of these email addresses

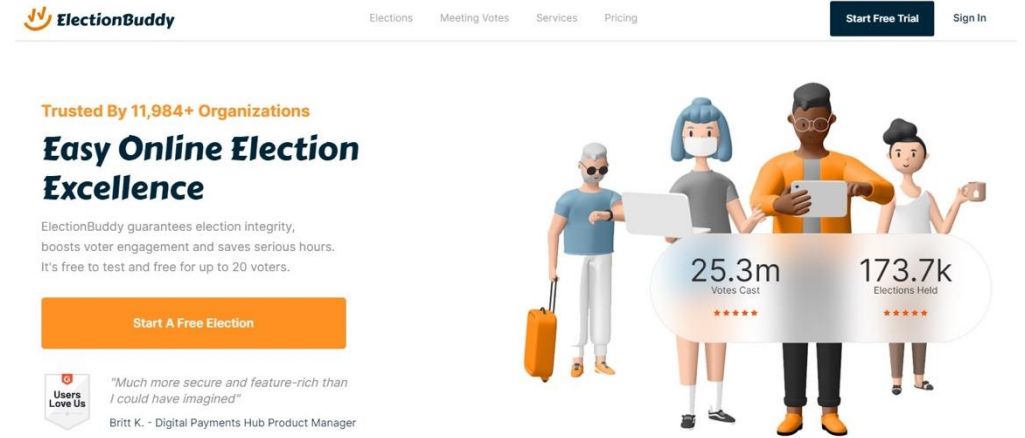


Preferred Resources

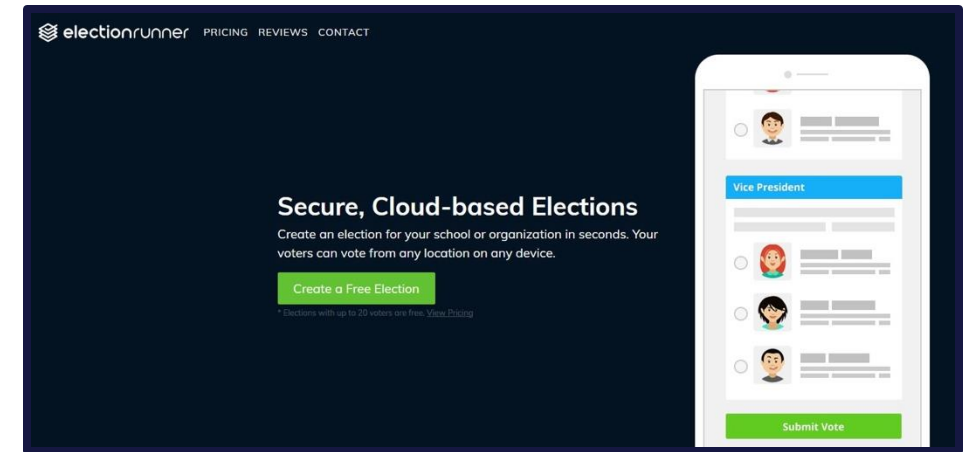
HOALiving recommends *virtual* elections and *virtual* meetings

Virtual Election Software:

- Election Buddy
- Election Runner




The screenshot shows the ElectionBuddy website. At the top, there is a navigation bar with the ElectionBuddy logo, links for Elections, Meeting Votes, Services, and Pricing, and buttons for Start Free Trial and Sign In. The main content area features the headline "Trusted By 11,984+ Organizations" and "Easy Online Election Excellence". Below this, a paragraph states: "ElectionBuddy guarantees election integrity, boosts voter engagement and saves serious hours. It's free to test and free for up to 20 voters." An orange button labeled "Start A Free Election" is prominent. To the right, an illustration shows four diverse people (two men and two women) looking at a tablet. A large white bubble in the foreground displays "25.3m Votes Cast" and "173.7k Elections Held", both with five-star ratings. A testimonial from Britt K., Digital Payments Hub Product Manager, is shown in a grey box: "Much more secure and feature-rich than I could have imagined".



The screenshot shows the ElectionRunner website. The navigation bar includes the ElectionRunner logo and links for PRICING, REVIEWS, and CONTACT. The main content area features the headline "Secure, Cloud-based Elections" and a sub-headline: "Create an election for your school or organization in seconds. Your voters can vote from any location on any device." A green button labeled "Create a Free Election" is visible. Below the button, a small note reads: "* Elections with up to 20 voters are Free. View Pricing". On the right side, a smartphone mockup displays a voting interface with a list of candidates, including "Vice President", and a "Submit Vote" button at the bottom.

Preferred Resources: Election Buddy

201770 2022 Special Assessment Vote

 [Details](#) > [Ballot](#) > [Notice](#) > [Voters](#) > [Review](#) > [Pay](#) > [Results](#)

2022 Special Assessment Vote

June 3, 2022 at 4:39pm — July 6, 2022 at 1:00pm

[See changes](#)

(GMT-07:00) MOUNTAIN TIME (US & CANADA)

Completed

282 ballots submitted of 342 eligible voters (1 spoiled, 7 opened) — 82%

343 emails sent - 0 notices queued

1 notice undeliverable. [Fix it](#)

[Voters](#) | [Results](#) | [Graphed Results](#) | [Vote by Vote](#) | [Voter Audit](#) | [Admin Audit](#)

[Export Results](#)

2022 Special Assessment Vote APPROVAL

Yes - I approve the 2022 Special Assessment	57.69 votes 78.70%
No - I reject the 2022 Special Assessment	15.61 votes 21.30%

Yes - I approve the 2022 Special Assessment wins with 78.70% of the vote.

Weighted Ballots

73.30 votes tallied from 282 ballots

Preferred Resources: Election Runner

Candidates for the Board of Directors

Multiple Choice

Description

Thank you for participating in the Association's Annual Members' Meeting and Board of Directors election.

Each of the following candidates is a member in good standing. They are listed in alphabetical order.

Click on the "i" to the right of the candidates' name to see his/her full biography.

Votes

23%	56
22%	55
20%	50
18%	45
17%	42

✓ Fraud Analysis

Great news! We were unable to detect any potential voter fraud in this election.



COUNTING VOTES

V O T E

Counting the Votes

Who oversees counting the votes?

- Election counting committee?
- Candidate representatives?
- Accounting Firm?
- Management?



What happens if there are equal or fewer people willing to serve on the board as there are board positions to be filled?

Acclamation

Election by *acclamation* is...

A vote that is taken by a united, oral proclamation of a group, rather than a written ballot

- In the absence of opposition
- During an annual meeting, attendees may be asked, “Is anyone opposed?”



ANNOUNCING RESULTS

V O T E

Announcing Results

When are candidate results announced?

- At the end of the meeting?
- After a certain period of time?



Election Results

Analog Meeting:

- Announcing results during the meeting
OR after, virtually



Virtual Meeting:

- Announcing results during the meeting
OR before, virtually



FIRST POST-ELECTION MEETING

- **Determining Officers**
- **President**
- **Vice President**
- **Secretary**
- **Treasurer**

Determining Officers

This is a discussion-based, board-specific decision (*most of the time*)

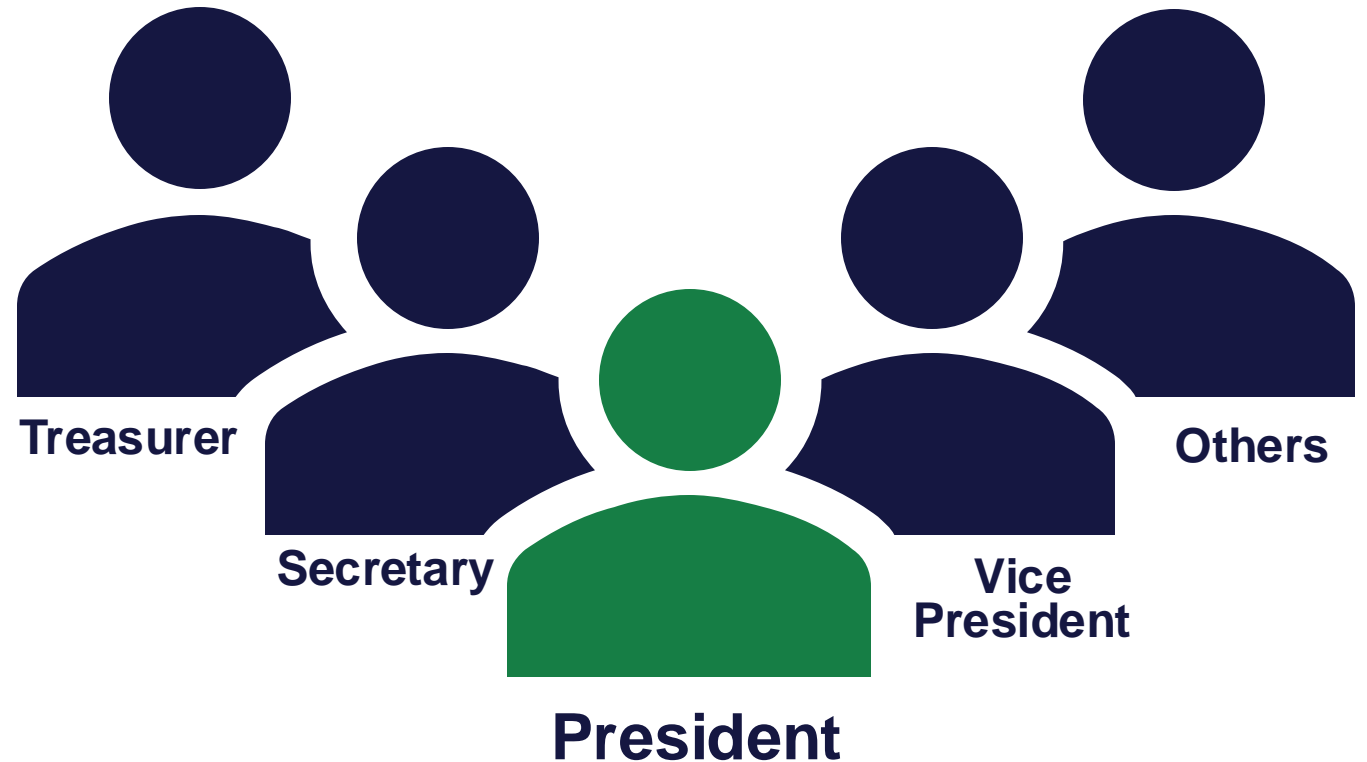
Officer Positions:

- President
- Vice President
- Treasurer
- Secretary



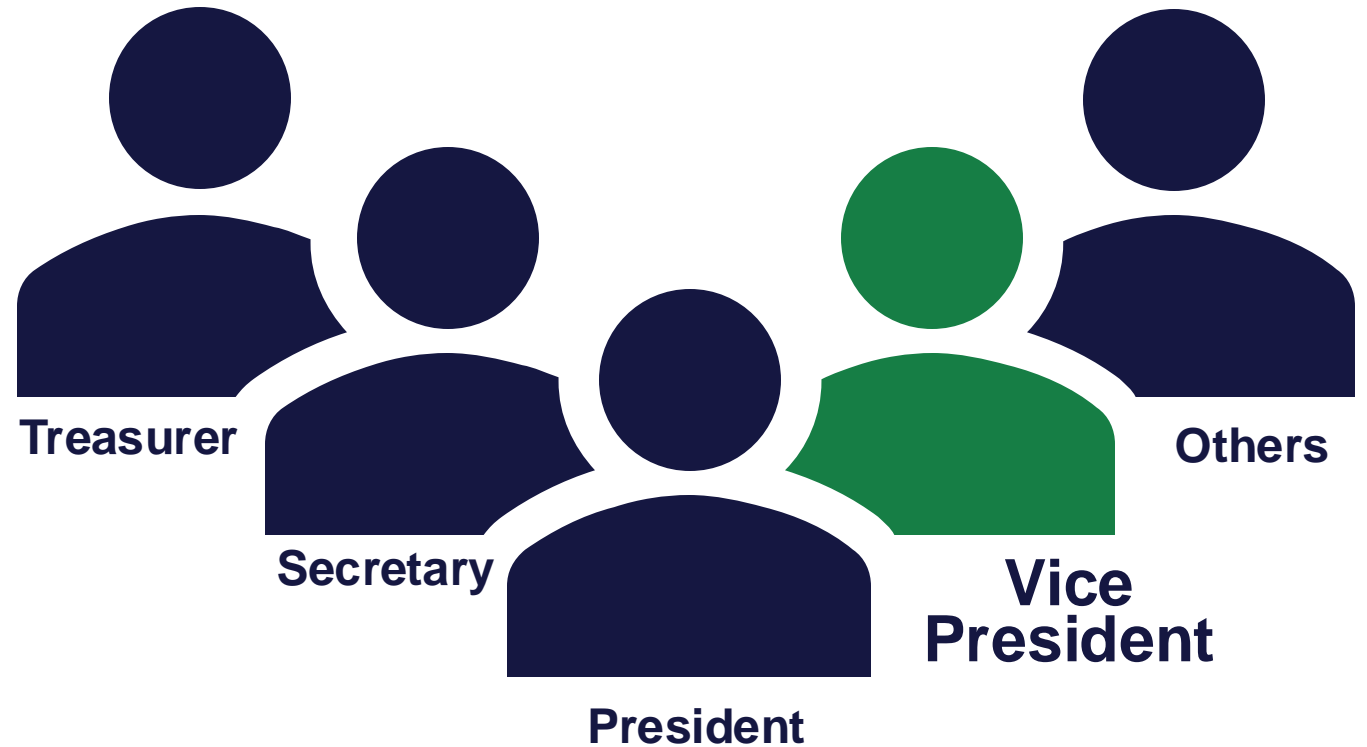
President

- ✓ Represents the board among members
 - ✓ Sets agendas
 - ✓ Presides over meetings
- (Has same authority as all other board members)*



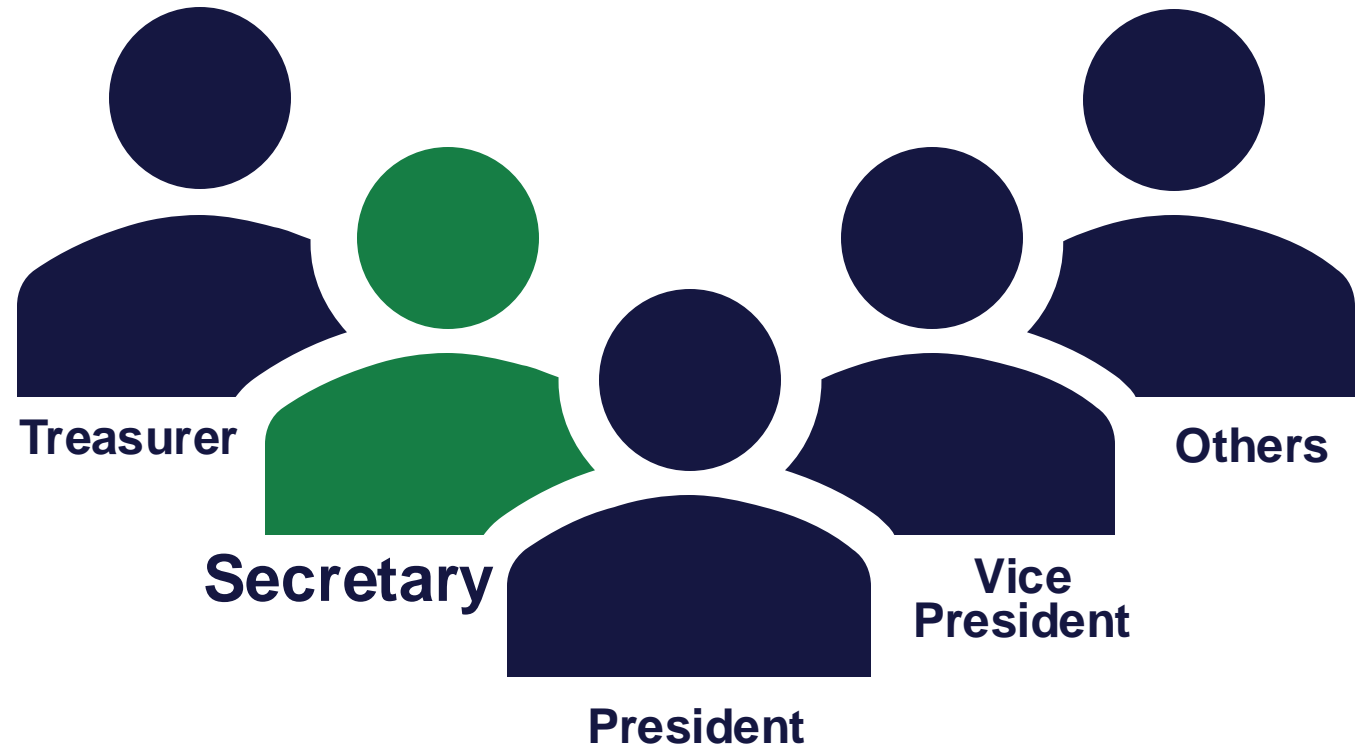
Vice President

- ✓ Performs president's duties in the event of their absence
- ✓ May be a liaison to specific committees



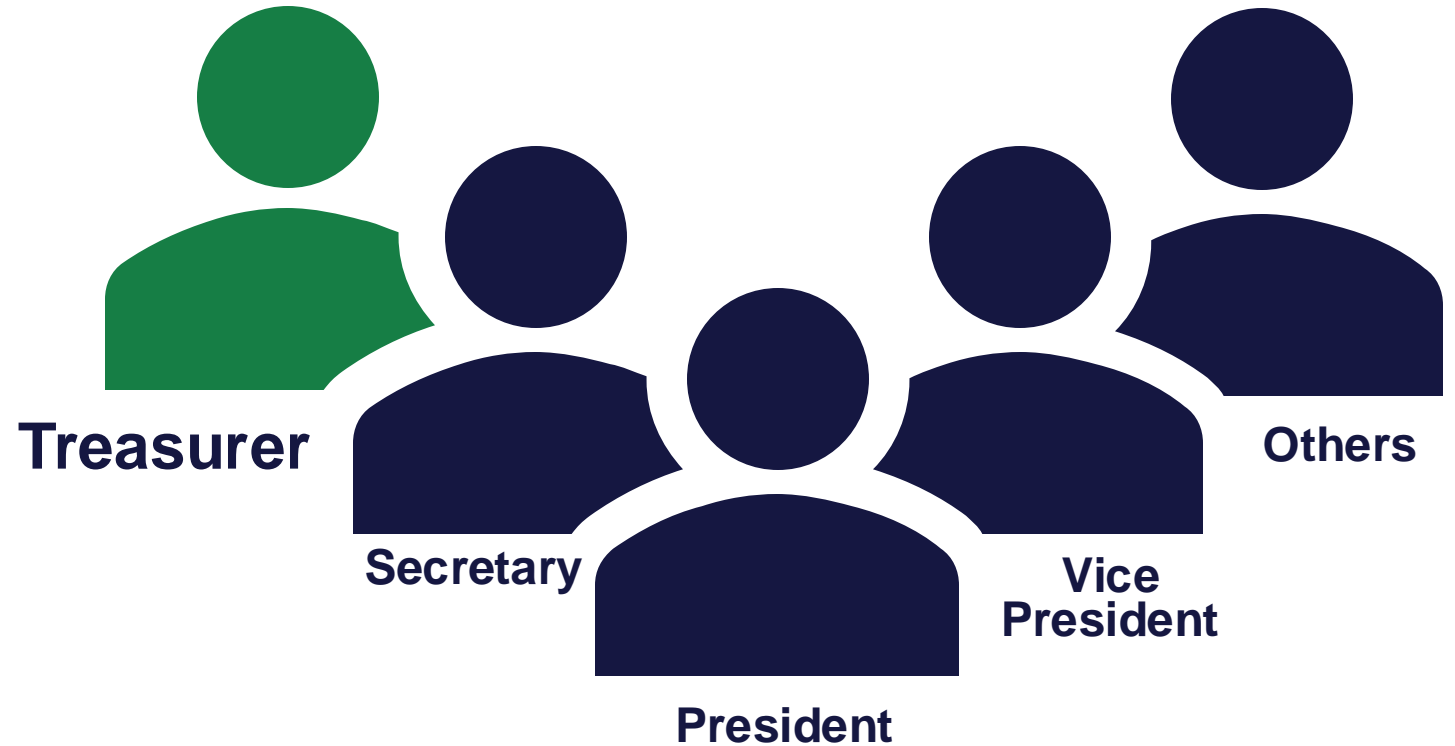
Secretary

- ✓ Prepares and distributes meeting agendas and any accompanying materials/documents
- ✓ Maintains the book of resolutions and all official records



Treasurer

- ✓ Is the CFO!
- ✓ Oversees annual operating budget
- ✓ Maintains accounts
- ✓ Recommends financial action
- ✓ Takes responsibility for financial documents



“INSPIRING” CANDIDATES

V O T E

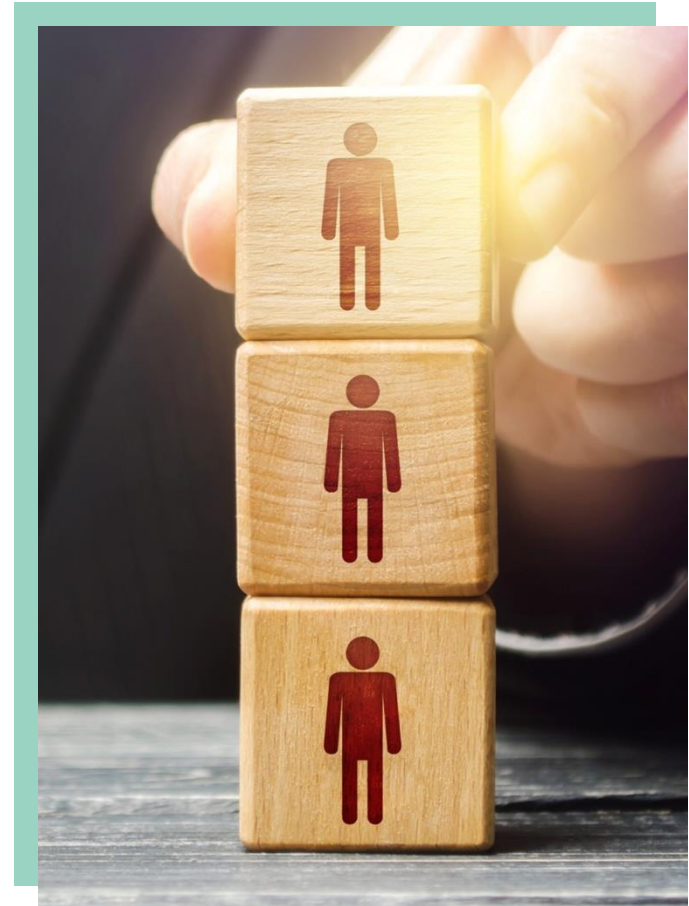
- **Past and Current Board Members**
- **Driving Interest, Soliciting Volunteers**

Past and Current Board Members

They set the tone and create the foundation for future board members

Their leadership can inspire other homeowners to volunteer their own time and talents for the benefit of the association

- ✓ **Leading by Example**
- ✓ **Driving Interest**
- ✓ **Actively Soliciting Volunteers**



Driving Interest, Soliciting Volunteers


ANNOUNCE upcoming board seats and election details – encourage involvement via flyers, social media and website postings, or verbal announcements at meetings and community gatherings.

PRINT AND ESPECIALLY DIGITAL newsletters disperse information and create a more cohesive community feel. This is the perfect place to encourage participation and volunteering.

CREATE AND DISTRIBUTE community petitions.


TALK to your neighbors! Meet, greet and discuss your shared interest/investment – your community – and the need for responsible leadership.

TOWN HALLS – TOWN HALLS – TOWN HALLS




**Finding and *inspiring* the right people to
serve on a board leads to:**

PROTECTED PROPERTY VALUE

A background image showing two hikers on a mountain peak. The hiker on the left is wearing a blue jacket and a red backpack, looking down. The hiker on the right is wearing a green jacket and a blue backpack, also looking down. The scene is misty and overcast.


**Finding and *inspiring* the right people to
serve on a board leads to:**

FULFILLED FIDUCIARY DUTY



**Finding and *inspiring* the right people to
serve on a board leads to:**

FAIR USE OF GOVERNING DOCS



**Finding and *inspiring* the right people to
serve on a board leads to:**

A SENSE OF COMMUNITY

A group of business professionals are seated in a circle in a meeting room. Several individuals have their hands raised, indicating an interactive session or a Q&A period. The room features a large window with a brick wall in the background. The text 'Q & A' is overlaid in a large, bold, blue font, centered within a dark blue rectangular frame. Two horizontal dark blue bars extend from the left and right sides of the frame, partially overlapping the text.

Q & A

Fan of AES? Please leave a 5-Star Review!

**Scan this QR code for a
list of review links for
HOALiving Network
Companies and Partners**



**Please consider leaving
a review for the entity
you are most
familiar/affiliated with!**

THANK YOU!

Association Essentials Series

Helping you manage your association

SEE YOU NEXT TIME!

Insurance 101

**Attend Virtually: Oct. 30 at Noon (MDT)
1 PM (CDT)
2 PM (EDT)**