

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Karyn E. Polito, David P. Linsky**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to condominium elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karyn E. Polito	11th Worcester
David P. Linsky	5th Middlesex
Louis L. Kafka	8th Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO CONDOMINIUM ELECTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           **SECTION 1.** Chapter 183A of the General Laws is hereby amended by inserting after section 10  
2 the following section:-

3           Section 10A. The election of boards of trustees or unit owners organizations of condominiums  
4 shall be subject to the following:

- 5           a) Elections shall be decided by a plurality of ballots casts on the day of election plus  
6           absentee ballots. There shall be no requirement of a quorum.
- 7           b) No proxy ballots shall be allowed
- 8           c) A call for nominations shall be sent to all owners no less than 45 before notice of the  
9           election.
- 10          d) Nominations received at least 15 days prior to the mailing the election notice and  
11          shall be listed on the ballot and on any absentee ballots.
- 12          e) Upon request of a candidate, the association shall include an information sheet (aka  
13          “candidate biography” or resume), no larger than 8 ½ inches, which must be  
14          furnished by the candidate not less than 30 days before the election. This  
15          informational sheet must be included with any absentee ballots that are mailed or  
16          otherwise distributed. The Board candidate’s information sheet (aka “candidate  
17          biography” or resume) should provide the candidate’s name and address – it’s also  
18          helpful to include pertinent experience, and the reasons for wanting to serve on the  
19          board. Upon distribution to unit owners, any and all candidate’s information sheet  
20          (aka “candidate biography” or resume) must be printed on a single-sided sheet of  
21          paper and placed in alphabetical order in any mailing or distribution.
- 22          f) A board candidate must be up to date in their assessments, condominium maintenance  
23          fees and have no outstanding covenant or rules violations.
- 24          g) All materials shall list candidates in alphabetical order.

- 25 h) Notice of election shall be sent to all owners not less than 10 days nor more than 90  
26 days of its date.
- 27 i) Absentee ballots shall have spaces to write in candidates names equal to the member  
28 of positions available.
- 29 j) In the event a unit owner or candidate cannot attend the election in person, their  
30 absentee ballot may be mailed or delivered in hand to any other unit owner, a  
31 candidate or legal counsel represent the unit owner.
- 32 k) Blank ballots shall be null and void.
- 33 l) Condominium associations shall appoint 1 or 3 independent election inspector to  
34 oversee elections. The inspectors shall:
- 35 Determine the number of unit owners entitled to vote and the voting power of  
36 each.
- 37 Determine the authenticity, validity, and effect of ballots received.
- 38 Receive ballots
- 39 Hear and determine all challenges and questions in any way arising out of or in  
40 connection with the right to vote.
- 41 Count and tabulate all votes.
- 42 Determine when the polls shall close.
- 43 Determine the result of the election.
- 44 Perform any acts as may be proper to conduct the election with fairness to all  
45 members in accordance with this section and all applicable rules of the association  
46 regarding the conduct of the election that are not in conflict with this section.
- 47 m) Final election results shall be announced within 3 days after verification by the  
48 inspector or inspectors.
- 49 n) Any unit owner elected shall immediately forfeit his position if his unit is sold or  
50 foreclosed on.