

HOUSE No. 3461

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 section 10 the following section:-

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

5 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 No proxy ballots shall be allowed

8 A call for nominations shall be sent to all owners no less than 45 before notice of the
9 election.

10 Nominations received at least 15 days prior to the mailing the election notice and shall be
11 listed on the ballot and on any absentee ballots.

12 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 furnished by the
14 candidate not less than 30 days before the election. This informational sheet must be included
15 with any absentee ballots that are mailed or otherwise distributed. The Board candidate’s
16 information sheet (aka “candidate biography” or resume) should provide the candidate’s name
17 and address – it’s also helpful to include pertinent experience, and the reasons for wanting to
18 serve on the board. Upon distribution to unit owners, any and all candidate’s information sheet
19 (aka “candidate biography” or resume) must be printed on a single-sided sheet of paper and
20 placed in alphabetical order in any mailing or distribution.

21 A board candidate must be up to date in their assessments, condominium maintenance
22 fees and have no outstanding covenant or rules violations.

23 All materials shall list candidates in alphabetical order.

24 Notice of election shall be sent to all owners not less than 10 days nor more than 90 days
25 of its date.

26 Absentee ballots shall have spaces to write in candidates names equal to the number of
27 positions available.

28 In the event a unit owner or candidate cannot attend the election in person, their absentee
29 ballot may be mailed or delivered in hand to any other unit owner, a candidate or legal counsel
30 represent the unit owner.

31 Blank ballots shall be null and void.

32 Condominium associations shall appoint 1 or 3 independent election inspector to oversee
33 elections. The inspectors shall:

34 Determine the number of unit owners entitled to vote and the voting power of each.

35 Determine the authenticity, validity, and effect of ballots received.

36 Receive ballots

37 Hear and determine all challenges and questions in any way arising out of or in
38 connection with the right to vote.

39 Count and tabulate all votes.

40 Determine when the polls shall close.

41 Determine the result of the election.

42 Perform any acts as may be proper to conduct the election with fairness to all members in
43 accordance with this section and all applicable rules of the association regarding the conduct of
44 the election that are not in conflict with this section.

45 Final election results shall be announced within 3 days after verification by the inspector
46 or inspectors.

47 Any unit owner elected shall immediately forfeit his position if his unit is sold or
48 foreclosed on.