

1 A bill to be entitled

2 An act relating to community associations; creating
3 ss. 718.128, 719.129, and 720.317, F.S.; authorizing
4 condominium, cooperative, and homeowners' associations
5 to conduct elections by electronic voting under
6 certain conditions; providing that a member voting
7 electronically is counted toward the determination of
8 a quorum; providing applicability; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 718.128, Florida Statutes, is created
14 to read:

15 718.128 Electronic voting.—The association may conduct
16 elections by electronic voting if a member consents, in writing,
17 to voting electronically and the following requirements are met:

18 (1) The association provides each member with:

19 (a) A method to authenticate the member's identity to the
20 electronic voting system.

21 (b) A method to secure the member's vote from, among other
22 things, malicious software and the ability of others to remotely
23 monitor or control the electronic voting platform.

24 (c) A method to communicate with the electronic voting
25 system.

26 (d) A method to review an electronic ballot before its

27 transmission to the electronic voting system.

28 (e) A method to transmit an electronic ballot to the
29 electronic voting system that ensures the secrecy and integrity
30 of each ballot.

31 (f) A method to allow members to verify the authenticity
32 of receipts sent from the electronic voting system.

33 (g) A method to confirm, at least 14 days before the
34 voting deadline, that the member's electronic voting platform
35 can successfully communicate with the electronic voting system.

36 (h) In the event of a disruption of the electronic voting
37 system, the ability to vote by mail or to deliver a ballot in
38 person.

39 (2) The association uses an electronic voting system that
40 is:

41 (a) Accessible to members with disabilities.

42 (b) Secure from, among other things, malicious software
43 and the ability of others to remotely monitor or control the
44 system.

45 (c) Able to authenticate the member's identity.

46 (d) Able to communicate with each member's electronic
47 voting platform.

48 (e) Able to authenticate the validity of each electronic
49 ballot to ensure that the ballot is not altered in transit.

50 (f) Able to transmit a receipt from the electronic voting
51 system to each member who casts an electronic ballot.

52 (g) Able to permanently separate any authentication or

53 identifying information from the electronic ballot, rendering it
54 impossible to tie a ballot to a specific member.

55 (h) Able to allow the member to confirm that his or her
56 ballot has been received and counted.

57 (i) Able to store and keep electronic ballots accessible
58 to election officials for recount, inspection, and review
59 purposes.

60 (3) A member voting electronically pursuant to this
61 section shall be counted as being in attendance at the meeting
62 for purposes of determining a quorum.

63 (4) This section applies to an association that provides
64 for and authorizes electronic voting pursuant to this section in
65 the association's bylaws and may apply to any matter that
66 requires a vote of the membership.

67 Section 2. Section 719.129, Florida Statutes, is created
68 to read:

69 719.129 Electronic voting.—The association may conduct
70 elections by electronic voting if a member consents, in writing,
71 to voting electronically and the following requirements are met:

72 (1) The association provides each member with:

73 (a) A method to authenticate the member's identity to the
74 electronic voting system.

75 (b) A method to secure the member's vote from, among other
76 things, malicious software and the ability of others to remotely
77 monitor or control the electronic voting platform.

78 (c) A method to communicate with the electronic voting

79 system.

80 (d) A method to review an electronic ballot before its
81 transmission to the electronic voting system.

82 (e) A method to transmit an electronic ballot to the
83 electronic voting system that ensures the secrecy and integrity
84 of each ballot.

85 (f) A method to allow members to verify the authenticity
86 of receipts sent from the electronic voting system.

87 (g) A method to confirm, at least 14 days before the
88 voting deadline, that the member's electronic voting platform
89 can successfully communicate with the electronic voting system.

90 (h) In the event of a disruption of the electronic voting
91 system, the ability to vote by mail or to deliver a ballot in
92 person.

93 (2) The association uses an electronic voting system that
94 is:

95 (a) Accessible to members with disabilities.

96 (b) Secure from, among other things, malicious software
97 and the ability of others to remotely monitor or control the
98 system.

99 (c) Able to authenticate the member's identity.

100 (d) Able to communicate with each member's electronic
101 voting platform.

102 (e) Able to authenticate the validity of each electronic
103 ballot to ensure that the ballot is not altered in transit.

104 (f) Able to transmit a receipt from the electronic voting

105 system to each member who casts an electronic ballot.

106 (g) Able to permanently separate any authentication or
 107 identifying information from the electronic ballot, rendering it
 108 impossible to tie a ballot to a specific member.

109 (h) Able to allow the member to confirm that his or her
 110 ballot has been received and counted.

111 (i) Able to store and keep electronic ballots accessible
 112 to election officials for recount, inspection, and review
 113 purposes.

114 (3) A member voting electronically pursuant to this
 115 section shall be counted as being in attendance at the meeting
 116 for purposes of determining a quorum.

117 (4) This section applies to an association that provides
 118 for and authorizes electronic voting pursuant to this section in
 119 the association's bylaws and may apply to any matter that
 120 requires a vote of the membership.

121 Section 3. Section 720.317, Florida Statutes, is created
 122 to read:

123 720.317 Electronic voting.—The association may conduct
 124 elections by electronic voting if a member consents, in writing,
 125 to voting electronically and the following requirements are met:

126 (1) The association provides each member with:

127 (a) A method to authenticate the member's identity to the
 128 electronic voting system.

129 (b) A method to secure the member's vote from, among other
 130 things, malicious software and the ability of others to remotely

131 monitor or control the electronic voting platform.

132 (c) A method to communicate with the electronic voting
133 system.

134 (d) A method to review an electronic ballot before its
135 transmission to the electronic voting system.

136 (e) A method to transmit an electronic ballot to the
137 electronic voting system that ensures the secrecy and integrity
138 of each ballot.

139 (f) A method to allow members to verify the authenticity
140 of receipts sent from the electronic voting system.

141 (g) A method to confirm, at least 14 days before the
142 voting deadline, that the member's electronic voting platform
143 can successfully communicate with the electronic voting system.

144 (h) In the event of a disruption of the electronic voting
145 system, the ability to vote by mail or to deliver a ballot in
146 person.

147 (2) The association uses an electronic voting system that
148 is:

149 (a) Accessible to members with disabilities.

150 (b) Secure from, among other things, malicious software
151 and the ability of others to remotely monitor or control the
152 system.

153 (c) Able to authenticate the member's identity.

154 (d) Able to communicate with each member's electronic
155 voting platform.

156 (e) Able to authenticate the validity of each electronic

157 ballot to ensure that the ballot is not altered in transit.

158 (f) Able to transmit a receipt from the electronic voting
159 system to each member who casts an electronic ballot.

160 (g) Able to permanently separate any authentication or
161 identifying information from the electronic ballot, rendering it
162 impossible to tie a ballot to a specific member.

163 (h) Able to allow the member to confirm that his or her
164 ballot has been received and counted.

165 (i) Able to store and keep electronic ballots accessible
166 to election officials for recount, inspection, and review
167 purposes.

168 (3) A member voting electronically pursuant to this
169 section shall be counted as being in attendance at the meeting
170 for purposes of determining a quorum.

171 (4) This section applies to an association that provides
172 for and authorizes electronic voting pursuant to this section in
173 the association's bylaws and may apply to any matter that
174 requires a vote of the membership.

175 Section 4. This act shall take effect July 1, 2015.