

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 votes of the membership by electronic
 6 voting under certain conditions; providing that a
 7 member voting electronically is counted toward the
 8 determination of a quorum; providing applicability;
 9 providing an effective date.

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

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

718.128 Electronic voting.—The association may conduct votes of the membership by electronic voting if a member consents, in writing, to voting electronically and the following requirements are met:

(1) The association provides each member with:

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

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

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

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

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

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

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

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

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

42 (a) Accessible to members with disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

74 (1) The association provides each member with:

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

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

79 monitor or control the electronic voting platform.

80 (c) A method to communicate with the electronic voting
81 system.

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

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

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

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

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

95 (2) The association uses an electronic voting system that
96 is:

97 (a) Accessible to members with disabilities.

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

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

102 (d) Able to communicate with each member's electronic
103 voting platform.

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

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

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

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

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

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

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

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

123 Section 3. Section 720.317, Florida Statutes, is created
124 to read:

125 720.317 Electronic voting.—The association may conduct
126 votes of the membership by electronic voting if a member
127 consents, in writing, to voting electronically and the following
128 requirements are met:

129 (1) The association provides each member with:

130 (a) A method to authenticate the member's identity to the

131 electronic voting system.

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

135 (c) A method to communicate with the electronic voting
136 system.

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

139 (e) A method to transmit an electronic ballot to the
140 electronic voting system that ensures the secrecy and integrity
141 of each ballot.

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

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

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

150 (2) The association uses an electronic voting system that
151 is:

152 (a) Accessible to members with disabilities.

153 (b) Secure from, among other things, malicious software
154 and the ability of others to remotely monitor or control the
155 system.

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

157 (d) Able to communicate with each member's electronic
158 voting platform.

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

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

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

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

168 (i) Able to store and keep electronic ballots accessible
169 to election officials for recount, inspection, and review
170 purposes.

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

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

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