



Ask Fred

Membership voting via an electronic or online system should increase voter turnout and make the process easier, but make sure you follow the rules for implementing such a system.

Question: I am a community association manager for a condominium community. I believe a new law was added recently that allows members to vote electronically. My community is just not implementing an electronic voting system and I want to be sure I understand how to achieve this properly. Can you point me to that law?

Answer: You're correct, a new statute was added to Chapter 718 in 2015 and is found at section 718.128, F.S., and allows condominium associations to conduct votes of the membership by electronic or internet-based online voting.

A key requirement to electronic or online voting is that the unit owners who choose to vote electronically must consent to the system in writing. The system itself must meet several requirements detailed in the statute as well. The association must provide each unit owner with a method to authenticate the unit owner's identity to the online voting system, for elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot, and a method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.

The association must also use an online voting system that is able to authenticate the unit owner's identity, able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit, able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote, for elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner, and able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

[To read more about the new statute, click here.](#)

Thanks for asking,
Fred Gray