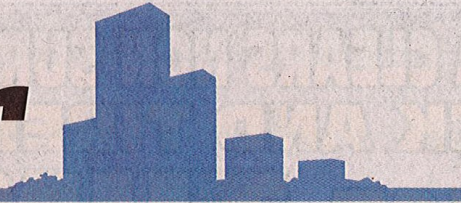


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Proposal may allow electronic voting

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A new proposal on the state level will establish criteria to allow condo residents to cast votes electronically, a significant step in making voting procedures easier and more accessible.

The proposed bill, which still needs the governor's signature, would allow electronic votes to be cast for elections as well as association business.

"There is no doubt that being able to cast a vote from the comfort of your home or office is going to

make it easier for folks to participate in an association's election process," said condo law attorney Donna Berger.

If passed, the bill would add requirements for establishing electronic voting.

Under the proposal, an owner would have to consent to online voting; a board would need to adopt a resolution to authorize electronic voting; and boards would still need to give at least 14 days written notice of a board meeting to consider

a resolution.

"In theory, electronic voting should result in a higher participation of owners in the election process," said Robert Kaye, a managing firm member of Kaye Bender Rembaum.

Even with increased voter participation, Berger said she is unsure if the proposal would lead to more or less voting issues.

"Whether or not the typical complaints about voter fraud de-

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crease or increase as a result of this new voting option remains to be seen," she said.

Moreover, the proposed bill, which could

become effective as early as July 1, would do away with the requirement that associations could only provide notice of meetings by electronic mail if the bylaws of the association authorized it.

The bill also tries to

deal with issues related to the digital storage of records, but Kaye said it does not fully address the ability of an owner to access electronic records of the association in a way that protects the interests of all parties.

"Because technology changes so quickly, and the Legislature meets on a limited basis, it remains difficult to fully keep up with the changes through the laws that are implemented," he said.

Kaye said few boards

will begin to implement electronic voting immediately, but this proposal could change.

"There is also some initial uncertainty in the marketplace as to how to implement this voting procedure in light of the

requirements in the statute," he said. "Boards will also have to decide whether it is better to use an outside vendor or handle the process internally."