

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 a definition; providing
 7 an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 718.128, Florida Statutes, is created
 12 to read:

13 718.128 Electronic voting.—The association may conduct
 14 elections by electronic voting if a member consents, in writing,
 15 to voting electronically and the following requirements are met:

16 (1) The association provides each member with:

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

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

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

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

26 (e) A method to transmit an electronic ballot to the

27 electronic voting system that ensures the secrecy and integrity
 28 of each ballot.

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

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

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

37 (2) The association uses an electronic voting system that
 38 is:

39 (a) Accessible to members with disabilities.

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

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

44 (d) Able to communicate with each member's electronic
 45 voting platform.

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

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

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

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

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

58 (3) For purposes of this section, the term "electronic
59 transmission" means any form of communication, not directly
60 involving the physical transmission or transfer of paper, which
61 creates a record that may be retained, retrieved, and reviewed
62 by a recipient and which may be directly reproduced in a
63 comprehensible and legible paper form by such recipient through
64 an automated process. Examples of electronic transmission
65 include, but are not limited to, telegrams, facsimile
66 transmissions of images, and text that is sent via electronic
67 mail between computers.

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

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

73 (1) The association provides each member with:

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

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

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

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

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

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

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

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

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

96 (a) Accessible to members with disabilities.

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

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

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

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

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

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

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

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

115 (3) For purposes of this section, the term "electronic
116 transmission" means any form of communication, not directly
117 involving the physical transmission or transfer of paper, which
118 creates a record that may be retained, retrieved, and reviewed
119 by a recipient and which may be directly reproduced in a
120 comprehensible and legible paper form by such recipient through
121 an automated process. Examples of electronic transmission
122 include, but are not limited to, telegrams, facsimile
123 transmissions of images, and text that is sent via electronic
124 mail between computers.

125 Section 3. Section 720.317, Florida Statutes, is created
126 to read:

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

130 (1) The association provides each member with:

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

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

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

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

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

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

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

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

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

153 (a) Accessible to members with disabilities.

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

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

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

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

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

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

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

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

172 | (3) For purposes of this section, the term "electronic
173 | transmission" means any form of communication, not directly
174 | involving the physical transmission or transfer of paper, which
175 | creates a record that may be retained, retrieved, and reviewed
176 | by a recipient and which may be directly reproduced in a
177 | comprehensible and legible paper form by such recipient through
178 | an automated process. Examples of electronic transmission
179 | include, but are not limited to, telegrams, facsimile
180 | transmissions of images, and text that is sent via electronic
181 | mail between computers.

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