Electronic Voting for Condominium and Homeowner Associations

Do the following scenarios sound familiar to you?

- “Thank you for attending the Annual Meeting but unfortunately we did not meet the quorum requirements and will need to reschedule and re-notice the meeting.”
- “Unfortunately, we will need another two hours before we can adjourn the meeting as we need to verify voter eligibility and re-tabulate the election results.”
- “We are unable to change the deed restrictions as we did not receive the percentage of votes required to make the change.”

These types of situations have become all too common in our communities and as a result, many boards are searching for solutions to allow voting options when owners are unable to attend meetings. Recently, I went on a journey with an Association Board of Directors to implement electronic voting. One of the primary reasons that this board chose to pursue electronic voting was to obtain the required votes to make changes to the governing documents, not a simple thing to do as a large percentage of votes was required. Many of the owners are not year-round residents and we needed an easy way for them to access the voting materials and to cast their vote. A few options were considered and ultimately electronic voting seemed to be the most logical way to make this happen. In this article, I will share the steps to implement electronic voting and the result of the implementation. I believe the results will speak for themselves.

Everyone juggles work and personal life and it can be difficult to get all the necessary parties together to make the decisions required to govern your association. As a Board, keeping members involved in what is happening in your
community is critical to the success of the association. A solution for some Condominium or Homeowner Associations has been to implement electronic voting to increase participation in community governance. Electronic voting technology has been developed as a solution to the following issues: extended meetings, the challenging need to obtain proxy ballots, re-tabulating votes, or not being able to make changes to the governing documents because you do not meet the required percentage of votes. These challenges can be a thing of the past if Annual Meetings and Special Membership Meetings move to electronic voting.

**What is Electronic Voting and What are the Benefits?**
Electronic voting or E-Voting is a system that will allow an owner to record their secret vote securely and electronically. Electronic voting can be done through the internet, telephone or private computers. Owners will still have access to paper ballots; however, with implementation, votes for important matters can be made from anywhere and at any time during the voting period by using a mobile device or computer driving the following benefits:

- Shorter Annual Meetings due to the decreased amount of time it will take to count ballots
- Voting errors are reduced or eliminated
- Reduced mailing costs
- A quorum is more easily achieved
- Increased owner participation
- Elimination of the need for Proxy ballots

**State Laws and Governing Documents**
Condominiums and Homeowner Associations need to comply with State laws and governing documents relating to electronic voting for elections and amendments. The Board must carefully review the language to determine whether or not nominations from the floor are required at Annual Meetings. If this is the case, an amendment to the governing documents may be needed prior to the typical 14-day notice of a resolution to adopt electronic voting.

**What to look for when selecting a vendor to implement electronic voting**
Vendors that should be considered for electronic voting should have good references, be reputable, established and well experienced with the implementation of electronic voting. There are many vendors in the marketplace providing electronic voting services that will accurately tally votes, defend those results, and preserve the secrecy of owner votes in the election process. Choose a vendor that provides multiple notice types, electronic reminders and remote and on-site voting to achieve the best possible turnout. The voting experience should allow homeowners to vote on the device of their choice, and to vote any time during the voting period. The system should also provide for paper ballots for those who prefer that method of voting.
Implementing Electronic Voting
It is common that the adoption of electronic voting is done in stages; therefore, it could take longer to implement than you might expect. Rules will need to be adopted to enable electronic voting. In addition, owners need to opt in to electronic voting. Each owner must consent to electronic voting and/or consent to receive an electronic notice of meetings in order to include them in electronic voting. It is common that the form used for this consent requires the owner’s signature, physical mailing address, and email address. Conversely, if the owner no longer wishes to consent to electronic voting, he/she would be required to sign a revocation of consent to electronic voting and/or revocation of consent to receive electronic notice of meetings.

Communicating Electronic Voting Documents to Owners
Generally, the following documents should be included in the initial communications and the electronic voting package sent to the owners. These document examples may be obtained from your Community Manager.

- A memo explaining the requirements for the implementation and adoption of electronic voting
- An Electronic Voting Consent and Revocation form
- The Board Resolution concerning electronic voting
- The affidavit of mailing

There is no question that getting a quorum at Association meetings is becoming harder every day. Electronic voting can drive efficiency and greater participation in the voting process. Talk with your Sentry Management Community Manager about implementing this process for your association. Remember electronic voting is friendly on the environment and demonstrates social responsibility to your owners.

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