



# GetQuorum

**Electronic Voting including House Bill 913 updates**

**Frank Valdes- Regional Director**

# Presenter

Frank Valdes  
Regional Director



Scan Here for my Contact Information

- State Certified DBPR Instructor on E-Voting & Virtual Meetings
- CAI National Member & Educated Business Partner
- Board Member-415 unit Association
- Chair ACC Committee & Violations Committee
- Previous Experience in the Property Management Industry

# GetQuorum - Electronic Voting & More

Founded in 2016, GetQuorum is an industry-leading provider of:

- Electronic Voting-Ballot, Proxy
- Meeting Notice Distribution Services-Electronic, Paper Mail
- Hosted Virtual Meetings
- Surveys

Our innovative solutions help our customers achieve quorum, pass bylaws, reduce cost, and run successful governance meetings from start to finish.

The Zoom logo is displayed in its characteristic blue, rounded font.

**Zoom ISV Partner**

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**30+**

**Industry Experts**

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**3000+**

**Customers & Counting**

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The logo for the Community Associations Institute (CAI) is shown. It features a stylized house icon with three figures inside, above the text "MEMBER OF community ASSOCIATIONS INSTITUTE".

**CAI Member**

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# What's New at GQ - Integrations

- We are excited to announce new integrations with industry-leading community management systems!
  - These integrations allow us to obtain the most up-to-date roster data through daily platform synchronizations.
  - These synchronizations will happen automatically; eliminating the need to inform us of roster changes and perform other manual tasks.
- We are also excited to be provide our clients with exclusive, discounted printing for their next campaign.



## Vantaca

Automatically synchronize your ownership data from your Vantaca database into GetQuorum with a push of a button.



## FRONTSTEPS

Automatically synchronize your ownership data from your FRONTSTEPS database into GetQuorum with a push of a button.




## HOA Mailers

Get access to discounted printing costs for your upcoming meeting or election, exclusive to GetQuorum customers.




# Adopting an Electronic Voting Platform - Some Areas Where a Unit Owner Vote is Required

1. Special assessment, line of credit or loan to fund capital expenses required by the County recertification
2. Electing Board members by ballot in the unlikely event that more than the maximum number of directors run for the Board
3. 2/3 approval of unit owners exception to the 8-year board term limit provision
4. Partial or complete waiver of non-SIRS funding
5. Temporary pause or reduction in funding SIRS reserves for up to 2 years after the County recertification
6. Special assessment or line of credit/loan used to fund SIRS reserves
7. Special assessments or loans used for purposes other than to fund SIRS reserves or capital expenses required by the SIRS
8. Adoption of a substitute budget where assessments exceed 115% of the prior year's assessments
9. Amendments to the articles of incorporation, declaration or bylaws\* Materially alter and/or substantially add to the association property
10. Other unit owner votes may be required by the association documents



## Electronic Voting Requirements as outlined in (§718.128 F.S.), (§719.129 F.S.), & (§720.317 F.S.)

- An association may use an online voting system for all owner votes if an owner provides written consent to online voting, which is valid until the owner opts out of online voting.
  - An owner voting electronically is counted as being in attendance at the meeting for purposes of determining a quorum.
  - The use of electronic voting must be established by board resolution made at a board meeting noticed at least 48 hours prior to the meeting by mail, delivery or electronic transmission and posted within the community, evidenced by an affidavit. The board resolution must:
    - provide that owners will receive notice of the opportunity to vote through an online voting system,
    - establish reasonable procedures and deadlines for owners to provide their written consent and
    - establish reasonable procedures and deadlines for owners to opt out of online voting.
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# Electronic Voting Trends

The number of condominiums and HOAs leveraging technology for governance meetings and related procedures has been increasing Y-over-Y.

- 32% of communities now have documentation clearly permitting the use of electronic voting for board of directors elections (CAI).
- Legislation in Florida was adopted in 2015 to allow virtual governance meetings and electronic voting.
- Participation rate jumps from 20% to 80% on average with Electronic voting.



# Florida Associations and Electronic Voting

In Florida, since 2015, associations are permitted to conduct elections and other unit owner votes through an electronic means if the following requirements are met:

1. Resolution is passed (48 hour notice requirement Condos, 14 day notice requirement Coop and HOA)
2. Voting members must consent to electronic voting.
  - An owner's consent to online voting is valid until the owner opts out.
3. Electronic votes are only limited to the issue specifically identified in the electronic vote.
4. The Association must comply with requirements outlined in (§718.128 F.S.), (§719.129 F.S.), & (§720.317 F.S.)



## House Bill 913: A Summary of What You Need to Know for Electronic Voting and Virtual Meetings *This bill primarily pertains to condominium and cooperative associations.*

1. The 14-day requirement for a board meeting notice where electronic voting will be considered is deleted.
2. If 25 percent of the unit owners petition the board to adopt electronic voting within 180 days of the last annual meeting, then the board must hold a meeting within 21 days after receipt of the petition to adopt electronic voting. Additionally, if electronic voting is not provided for, then there are new provisions requiring unit owners to have the opportunity to electronically transmit a ballot to an email address designated by the association (which would obviously waive anonymity if the vote is for the election). The electronic ballot must comply with the statutory form.
3. Official records now include electronic records, bank statements and ledgers, recordings of all such meetings that are conducted by video conference, and all affidavits as may be required by Chapter 718 F.S.
4. The term "video conference" is added to s. 718.103 F.S., and requires that if a video conference is used (such as Zoom), then a hyperlink and call-in conference telephone number be set out in the meeting notice along with a physical location for unit owners to attend in person. Such a meeting must be recorded, and the recording must be maintained in the official records of the association for at least one year. With the aforementioned in mind, it is now clear that board meetings and membership meetings can be conducted by video conference so long as the foregoing requirements are followed.
5. If a unit owner membership meeting is held electronically and the foregoing requirements are followed, then the unit owners may vote electronically.

## House Bill 913: A Summary Continued

6. If the annual membership meeting of the members is held electronically, then a quorum of the board of directors must be physically present at the physical location, the meeting must be recorded, and of course the recording must be maintained as an official record of the association. The Florida Division of Condominiums is charged with adopting additional requirements. (Yes, it is quite strange that this new law requires a majority of the board to be physically present when in fact it is a membership meeting, not a board meeting. Perhaps this will get straightened out in future legislation or not.)
7. Unless the association has adopted electronic voting in accordance with subsections (1)-(6), the association must designate an email address for receipt of electronically transmitted ballots. Electronically transmitted ballots must meet all the requirements of this subsection. (b) A unit owner may electronically transmit a ballot to the e-mail address designated by the association without 2108 complying with s. 718.112(2)(d)2. or the rules providing for the secrecy of ballots adopted by the division. The association must count completed ballots that are electronically transmitted to the designated email address, provided the completed ballot complies with the requirements of this subsection. 2113 (c) A ballot that is electronically transmitted to the 2114 association must include all of the following: 2115 1. A space for the unit owner to type in his or her unit 2116 number. 2117 2. A space for the unit owner to type in his or her first 2118 and last name, which also functions as the signature of the unit 2119 owner for purposes of signing the ballot. 2120 3. The following statement in capitalized letters and in a 2121 font size larger than any other font size used in the e-mail 2122 from the association to the unit owner: 2123 2124 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO 2125 NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL 2127 TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR 2128 COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY 2129 BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF 2130 THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING 2131 WHICH THE MATTER WILL BE VOTED ON.

***The aforementioned is intended as a summary review only. Remember to check in with your association's lawyer regarding any questions you may have concerning this new legislation.***



## Best Practices

- Consult & Involve your Legal Counsel in the Process
- Review and Account for Pre-Existing Bylaws
- Communicate with Owners & Collect Consent early (if applicable)
- Choose Suitable Platforms & Vendors who are Subject Matter Experts
- Design and Adjust your Meeting Format
- Hold a Dress Rehearsal
- Q&A Management
- Technical Support and Moderation
- Help Everyone be Prepared (Including Board Members, Owners, Chair, etc.)

# Florida Meeting Notice Deadlines Calculator



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# Thank You!

Any Questions?





# Contact Us

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