



States that Allow Electronic Voting 2020

Arizona (rev 8/25/2012) – [Statute 33-1250 C](#). Notwithstanding any provision in the condominium documents, after termination of the period of declarant control, votes allocated to a unit may not be cast pursuant to a proxy. The association shall provide for votes to be cast in person and by absentee ballot and may provide for voting by some other form of delivery.

Title 33.Property – 33-1802B. Votes cast by absentee ballot or other form of delivery are valid for the purpose of establishing a quorum.

Arkansas

Arkansas has the Horizontal Property Act and the Non-profit Corporations Code. There are Property Owner Associations that are conducting elections by **electronic** ballot. This has been done by individual associations.

Colorado – [Colorado Common Interest Act \(CCIOA\) 38-33.3-310](#). Voting – proxies. (b) (I) (A) Votes for contested positions on the executive board **shall be taken by secret ballot**. This subparagraph (A) shall not apply to an association whose governing documents provide for election of positions on the executive board by delegates on behalf of the unit owners. (B) At the discretion of the board or upon the request of twenty percent of the unit owners who are present at the meeting or represented by proxy, if a quorum has been achieved, a vote on any matter affecting the common interest community on which all unit owners are entitled to vote shall be by secret ballot.

TIE is conducting **electronic** ballot voting in CO. There is nothing in CCIOA that precludes **electronic** voting.

Connecticut - [CHAPTER 828* COMMON INTEREST OWNERSHIP ACT - Sec. 47-252. Voting. Proxies. Ballots.](#) (a) Unless prohibited or limited by the declaration or bylaws, unit owners may vote at a meeting in person, by a proxy pursuant to subsection (c) of this section or, when a vote is conducted without a meeting, **by electronic or paper ballot** pursuant to subsection (d) of this section.

Delaware – [Delaware Title 25 Chapter 81 Chapter 81-310](#). Voting; proxies.

(f) Action may be taken by ballot without a meeting as follows:

(1) Unless prohibited or limited by the declaration or bylaws, any action that the association may take at any meeting of members may be taken without a meeting if the association delivers

a written or **electronic** ballot to every member entitled to vote on the matter. A ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action.

Florida

[Florida Statute Condominium Act Title XL Chapter 718 Condominiums, Cooperatives and Timeshares \(Regulated\)](#)

[Bylaws Section 718.112\(d\)](#)

3. The members of the board shall be elected by written ballot or **voting machine**. Proxies shall in no event be used in electing the board, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decision making, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute that provides for such action.

[Florida Statute 720.306 Meetings of members; voting and election procedures; amendments.— \(Unregulated\)](#)

(9)(a) ELECTIONS AND BOARD VACANCIES.—Elections of directors must be conducted in accordance with the procedures set forth in the governing documents of the association. **“Does not preclude **electronic** ballots – many associations have rewritten their Bylaws to permit **electronic** ballots.”**

[Georgia - Corporations and Partnerships - Title 14, Section 14-3-704](#) - (a) Unless limited or prohibited by the articles or bylaws, or unless this chapter requires a greater number of affirmative votes, action required or permitted by this chapter to be approved by the members may be approved without a meeting of members if the action is approved by members holding at least a majority of the voting power. The action must be evidenced by one or more consents in writing or by **electronic** transmission describing the action taken, signed by those members representing at least a majority of the voting power, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(b) No consent in writing or by **electronic** transmission signed under this Code section shall be valid unless:

(1) The consenting member has been furnished the same material that, under this chapter, would have been required to be sent to members in a notice of a meeting at which the proposed action would have been submitted to the members for action; or

(2) The written consent contains an express waiver of the right to receive the material otherwise required to be furnished.

(c) If not otherwise determined under Code Section 14-3-703 or Code Section 14-3-707, the record date for determining members entitled to take action without a meeting is the date the first member signs the consent.

(d) A consent signed under this Code section has the effect of a meeting vote and may be described as such in any document.

(e) Written notice of member approval pursuant to this Code section shall be given to all members who have not signed the written consent. If written notice is required, member approval pursuant to this Code section shall be effective ten days after such written notice is given.

(f) An **electronic** transmission which is transmitted by a member that evidences a members consent or approval on a ballot, requests or demands an action to be taken by the corporation, or provides notice to the corporation under this chapter shall be deemed to be written, signed, and dated for the purposes of this chapter, provided that any such **electronic** transmission sets forth or is delivered with information from which the corporation can determine (1) that the **electronic** transmission was transmitted by the member and (2) the date on which such member transmitted such **electronic** transmission. The date on which such **electronic** transmission is transmitted shall be deemed to be the date on which such consent, request, demand, or notice was signed.

Hawaii

Hawaii Condominium Property Act 514B

[§514B-123 Association meetings; voting; proxies.](#)

(a) If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners is present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration or bylaws expressly provide otherwise. There is majority agreement if any one of the owners casts the votes allocated to that unit without protest being made by any of the other owners of the unit to the person presiding over the meeting before the polls are closed.

(b) Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner. A unit owner may vote by mail or **electronic transmission** through a duly executed proxy. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through a duly executed proxy. In the absence of protest, any owner may cast the votes allocated to the unit by proxy. A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary of the association or the managing agent. A proxy is void if it purports to be revocable without notice.

Illinois - Illinois Condominium Property Act CONTACT IL ATTORNEY

Illinois Common Interest Community Act (HOAs & Townhomes) Public Act 097-1090

Illinois General Not For Profit Corporation Act

Among the changes to the not for profit corporation act are welcome additions that recognize **electronic** communications, allowing certain approvals to be communicated by **electronic** means and allowing associations to permit on-line voting using e-mail or other **electronic** means. This would permit use of an **electronic** platform that permits voting to be conducted via the Internet through a website dedicated to the election! Note that condominium associations, whether or not they are incorporated, have those powers and responsibilities specified in the not for profit corporation act that are not inconsistent with the Condominium Property Act or the declaration/by-laws.

E-Mail/Electronic Voting. Unless otherwise prohibited by the articles of incorporation or by-laws, the election of directors, officers, or representatives may be conducted by e-mail or other **electronic means. (Section 107.50)**

Kansas

Article 46. - KANSAS UNIFORM COMMON INTEREST OWNERS BILL OF RIGHTS ACT - 58-4614. Same; unit owner voting procedures.

(a) Unless prohibited or limited by the declaration or bylaws, unit owners may vote at a meeting in person, by secret ballot, by absentee ballot pursuant to subsection (b)(4), by a proxy pursuant to subsection (c), **or, when a vote is conducted without a meeting, by **electronic** or paper ballot pursuant to subsection (d).**

(b) Unless contrary provisions of the declaration or bylaws so provide, at a meeting of unit owners the following requirements apply: **5) When a unit owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.**

Maryland - Maryland Real Property Section 11-139.2.

- (a) Notwithstanding language contained in the governing documents of the council of unit owners, the board of directors of the council of unit owners may authorize unit owners to submit a vote or proxy by **electronic** transmission if the **electronic** transmission contains information that verifies that the vote or proxy is authorized by the unit owner or the unit owner's proxy.
- (b) If the governing documents of the council of unit owners require voting by secret ballot and the anonymity of voting by **electronic** transmission cannot be guaranteed, voting by **electronic** transmission shall be permitted if unit owners have the option of casting anonymous printed ballots.

Michigan - Michigan Condominium Act 59 of 1978

Michigan Non Profit NONPROFIT CORPORATION ACT Act 162 of 1982

450.2407 Taking corporate action without meeting; consent; notice; statement on filed certificate; consent by electronic transmission.

Sec. 407.

(1) The articles of incorporation may provide that any action required or permitted by this act to

be taken at an annual or special meeting of shareholders or members may be taken without a meeting, without prior notice, and without a vote, if consents in writing, setting forth the action taken, are signed and dated by the holders of outstanding stock or members having not less than the minimum number of votes that would be necessary to authorize or take the action at a meeting at which all shares or members entitled to vote on the action were present and voted. Prompt notice of the taking of the corporate action without a meeting by less than unanimous written consent shall be given to shareholders or members who have not consented in writing. (2) If an action consented to under this section would have required filing of a certificate under any other section of this act if the action had been voted upon by shareholders or members at a meeting of the shareholders or members, the certificate filed under that other section shall state, in lieu of any statement required by that section concerning a vote of shareholders or members, that both written consent and written notice have been given as provided in this section.

(3) Any action required or permitted by this act to be taken at an annual or special meeting of shareholders or members may be taken without a meeting, without prior notice, and without a vote, if all the shareholders or members entitled to vote on the action consent to the action in writing.

(4) An [electronic](#) transmission consenting to an action transmitted by a shareholder or member, or by a person authorized to act for the shareholder or member, is written, signed, and dated for the purposes of this section if the [electronic](#) transmission is delivered with information from which the corporation can determine that the [electronic](#) transmission was transmitted by the shareholder or member, or by a person authorized to act for the shareholder or member, and the date on which the [electronic](#) transmission was transmitted. The date on which an [electronic](#) transmission is transmitted is the date on which the consent was signed for purposes of this section. A consent given by [electronic](#) transmission is not delivered until reproduced in paper form and the paper form delivered to the corporation by delivery to its registered office in this state, its principal office in this state, or an officer or agent of the corporation having custody of the book in which proceedings of meetings of shareholders or members are recorded. Delivery to a corporation's registered office shall be made by hand or by certified or registered mail, return receipt requested. Delivery to a corporation's principal office in this state or to an officer or agent of the corporation having custody of the book in which proceedings of meetings of shareholders or members are recorded shall be made by hand, by certified or registered mail, return receipt requested, or in any other manner provided in the articles of incorporation or bylaws or by resolution of the board of the corporation.

[450.2441 Voting generally.](#)

Sec. 441. (1) Each outstanding share or member is entitled to 1 vote on each matter submitted to a vote, unless otherwise provided pursuant to section 303 or 304. **A vote may be cast either orally or in writing, unless otherwise provided in the bylaws. In addition, the bylaws may provide for voting by [electronic](#) transmission.**

Minnesota - [Sec. 8. Minnesota Statutes 2008, section 515B.3-110, is amended to read:](#)

(a) At any meeting of the association an owner or the holder of the owner's proxy shall be entitled to cast the vote which is allocated to the unit. If there is more than one owner of a unit, only one of the owners may cast the vote. If the owners of a unit fail to agree and notify the association as to who shall cast the vote, the vote shall not be cast. Any provision in the articles

of incorporation, bylaws, declaration, or other document restricting a unit owner's right to vote, or affecting quorum requirements, by reason of nonpayment of assessments, or a purported violation of any provision of the documents governing the common interest community, shall be void. (b) If permitted by the articles or bylaws, votes allocated to a unit may be cast pursuant to a proxy executed by the unit owner entitled to cast the vote for that unit. The board may specify the form of proxy and proxy rules, consistent with law. **(c) If authorized by the statute under which the association is created, and to the extent not limited or prohibited by the articles of incorporation, bylaws, or declaration, the entire vote on any single issue (except the election of directors), or issues may be taken by electronic means or by mailed ballots, subject to (i) any prohibition or requirement contained in the articles of incorporation, bylaws, or declaration and (ii) any requirements of the statute under which the association is created in compliance with the applicable statute, in lieu of holding a meeting of the unit owners.** Such a vote shall have the force and effect of a vote taken at a meeting; provided, that the total votes cast are at least equal to the votes required for a quorum. The board shall set a voting period within which the ballots or other voting response must be returned received by the association, which period shall be not less than ten 15 nor more than 30 45 days after the date of mailing or hand delivery of the ballots notice of the vote and voting procedures to the unit owners. The board of directors shall provide written notice of the results of the vote to the members unit owners within 30 days after the expiration of the voting period. All requirements in this chapter, the declaration or the bylaws for a meeting of the members unit owners, or being present in person, shall be deemed satisfied by a vote taken by mail in compliance with the requirements of this section. **The voting procedures authorized by this section shall not be used in combination with a vote taken at a meeting of the unit owners. However, voting by electronic means and mailed ballot may be combined if each is done in compliance with the applicable statute.** (d) The articles of incorporation or bylaws may authorize class voting by unit owners for directors or on specified issues affecting the class. Class voting may only be used to address operational, physical, or administrative differences within the common interest community. A declarant shall not use class voting to evade any limit imposed on declarants by this chapter and units shall not constitute a class because they are owned by a declarant. (e) The declaration or bylaws may provide that votes on specified matters affecting the common interest community be cast by lessees or secured parties rather than unit owners; provided that (i) the provisions of subsections (a), (b), and (c) apply to those persons as if they were unit owners; (ii) unit owners who have so delegated their votes to other persons may not cast votes on those specified matters; (iii) lessees or secured parties are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners, and (iv) the lessee or secured party has filed satisfactory evidence of its interest with the secretary of the association prior to the meeting. Unit owners must also be given notice, in the manner provided in section 515B.3-108(b), of meetings at which lessees or secured parties are entitled to vote. (f) No votes allocated to a unit owned by the association may be cast nor counted toward a quorum.

Montana

[TITLE 35. CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS CHAPTER 2. NONPROFIT CORPORATIONS Part 5. Members -- Delegates – Voting Action By Written Ballot](#)

35-2-533. Action by written ballot.

- (1) Unless prohibited or limited by the articles or bylaws, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the corporation delivers a written ballot to every member entitled to vote on the matter.
- (2) A corporation may deliver a written ballot by electronic communication as long as a member gives consent. Consent by a member to receive notice by electronic communication in a certain manner constitutes consent to receive a ballot by electronic communication in the same manner.
- (3) A written ballot must:
 - (a) set forth each proposed action; and
 - (b) provide an opportunity to vote for or against each proposed action.
- (4) Approval by written ballot pursuant to this section is valid only when:
 - (a) the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action; and
 - (b) the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.
- (5) All solicitations for votes by written ballot must:
 - (a) indicate the number of responses needed to meet the quorum requirements;
 - (b) state the percentage of approvals necessary to approve each matter other than election of directors; and
 - (c) specify the time by which a ballot must be received by the corporation in order to be counted.
- (6) Except as otherwise provided in the articles or bylaws, a written ballot may not be revoked.

SECTION 3-110. VOTING; PROXIES; BALLOTS.

(a) Unless prohibited or limited by the declaration or bylaws, unit owners may vote at a meeting in person, by absentee ballot pursuant to subsection (b)(4), by a proxy pursuant to subsection (c) or, when a vote is conducted without a meeting, by **electronic** or paper ballot pursuant to subsection (d).

Nevada

Sec. 61. This act becomes effective on January 1, 2012.

Sec. 43. NRS 116.311 is hereby amended to read as follows:

116.311 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by **electronic** or paper ballot pursuant to subsection 9.

New Jersey

Adopted: [Assembly Bill \(A3802\)—or its companion bill in the Senate \(S1293\)](#) “An owner shall be allowed to choose to cast a ballot anonymously for the election of governing board members. An owner also shall be allowed to cast a ballot by mail, in person, or if the association permits, by **electronic** ballot. A mailed ballot or an **electronic** ballot shall be deemed to be a proxy for purposes of determining a quorum for the meeting at which the election is conducted.”

New York

Oregon Chapter 100.248

[100.428 Electronic ballot.](#) (1) As used in this section, “**electronic** ballot” means a ballot given by:

- (a) **Electronic** mail;
- (b) Facsimile transmission;
- (c) Posting on a website; or
- (d) Other means of **electronic** communication acceptable to the board of directors.

(2) Unless the declaration or bylaws prohibit or provide for other methods of **electronic** ballots, the board of directors of an association of unit owners, in the board’s discretion, may provide that a vote, approval or consent of a unit owner may be given by **electronic** ballot.

(3) An **electronic** ballot shall comply with the requirements of this section and the declaration or bylaws or this chapter.

(4) An **electronic** ballot may be accompanied by or contained in an **electronic** notice in accordance with ORS 100.423.

(5) If an **electronic** ballot is posted on a website, a notice of the posting shall be sent to each unit owner and shall contain instructions on obtaining access to the posting on the website.

(6) A vote made by **electronic** ballot is effective when it is **electronically** transmitted to an address, location or system designated by the board of directors for that purpose.

(7) Unless otherwise provided in the declaration or bylaws or rules adopted by the board of directors, a vote by **electronic** ballot may not be revoked.

(8) The board of directors may not elect to use **electronic** ballots unless there are procedures to ensure:

(a) Compliance with ORS 100.425 if the vote conducted by written ballot under ORS 100.425 uses the procedures specified in ORS 100.425 (2)(b); and

(b) That the **electronic** ballot is secret, if the declaration or bylaws or rules adopted by the board require that **electronic** ballots be secret. [2007 c.409 §21]

South Carolina [Chapter 31 – Nonprofit Corporation Act](#)

SECTION 33-31-708. Action by written or **electronic** ballot.

(a) Unless prohibited or limited by the articles or bylaws, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the corporation delivers a written or **electronic** ballot to every member entitled to vote on the matter.

(b) A written or **electronic** ballot shall:

(1) set forth each proposed action; and

(2) provide an opportunity to vote for or against each proposed action.

(c) Approval by written or **electronic** ballot pursuant to this section is valid only when the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(d) All solicitations for votes by written or **electronic** ballot shall:

(1) indicate the number of responses needed to meet the quorum requirements;

(2) state the percentage of approvals necessary to approve each matter other than election of directors; and

(3) specify the time by which a ballot must be received by the corporation in order to be counted.

(e) Except as otherwise provided in the articles or bylaws, a written or **electronic** ballot may not be revoked.

Texas - Texas Property Code - Chapter 209 - adds 209.00592 and 209.00593 - Membership Voting (Absentee and **Electronic Voting)** - Historically, Homeowners have been limited to voting by casting ballots at a meeting either in person or by proxy. **New Sections 209.00592 and 209.00593 now authorize Subdivision HOAs to conduct Homeowner voting by absentee ballots and **electronic** ballots (in addition to casting ballots in person or by proxy at a meeting).** Such statutes also establish certain procedures for conducting absentee voting by mail and **electronic** voting using email or the internet, and **allow votes cast in absentia or electronically to count towards a quorum requirement.**

Utah

Vermont – Section 3-110 Voting; proxies; ballots. (a) Unless prohibited or limited by the declaration or bylaws, unit owners may vote at a meeting in person, by absentee ballot pursuant to subdivision (b)(4) of this section, by a proxy pursuant to subsection (c) of this section or, **when a vote is conducted without a meeting, by **electronic** or paper ballot pursuant to subsection (d) of this section.**

Virginia - [Code of Virginia 55.1-79.35 Condominium Act/Virginia Property Owners Association Act § 55.1-1832](#). Use of technology. D. Voting rights. **Voting, consent to and approval of any matter under any condominium instrument or any provision of this chapter may be accomplished by **electronic** transmission or other equivalent technological means provided that a record is created as evidence thereof and maintained as long as such record would be required to be maintained in non-electronic form.**

Washington – [RCW 24.06.110 Voting](#) - A member or shareholder may vote in person or, **unless the articles of incorporation or the bylaws otherwise provide, may vote by mail, by **electronic** transmission, or by proxy executed in writing by the member or shareholder or by his or her duly authorized attorney-in-fact: PROVIDED, That no proxy shall be valid for more than eleven months from the date of its execution unless otherwise specified in the proxy.**

[RCW 24.03.085](#)
[Voting.](#)

(1) The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

(2) **A member may vote in person or, if so authorized by the articles of incorporation or the bylaws, may vote by mail, by **electronic** transmission, or by proxy in the form of a record executed by the member or a duly authorized attorney-in-fact.** No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

(3) If specifically permitted by the articles of incorporation or bylaws, whenever proposals or directors or officers are to be elected by members, the vote may be taken by mail or by **electronic** transmission if the name of each candidate and the text of each proposal to be voted upon are set forth in a record accompanying or contained in the notice of meeting. If the bylaws provide, an election may be conducted by **electronic** transmission if the corporation has designated an address, location, or system to which the ballot may be electronically transmitted and the ballot is electronically transmitted to the designated address, location, or system, in an executed electronically transmitted record. Members voting by mail or **electronic** transmission are present for all purposes of quorum, count of votes, and percentages of total voting power present.