

Electronic Notice and Voting in Community Associations

Electronic Notice and Voting is now possible in New Jersey community associations. If done properly, this should make life easier for community managers, board members, and homeowners. It can be quite cost effective as well. With the enactment of the Radburn Law, associations can now adopt electronic notice and voting provisions. Here are some guidelines to follow.

DO

- Amend your bylaws to include a provision on electronic notice and voting.
- Consider using the “rejection vote” amendment process authorized by the Radburn law.
- Make sure the amendment requires verification, confidentiality and security.
- Ensure that non-electronic voting methods are available to the members.
- Secure the consent of each member to vote electronically.
- Utilize the services of a reputable electronic notice/voting service provider.

Ask them about:

- Encryption and authentication
 - Cybersecurity protections
 - Disaster recovery plan
 - Reporting protocols
- Educate and inform the members of the availability and benefits of these services.
 - Remember that online voting:
 - Makes voting easier for the members
 - Allows members to vote from everywhere
 - Improves the chances of achieving a quorum
 - Makes vote tallying faster and easier

DOs and DON'Ts:

- DON'T**
- Confuse electronic voting with email voting. Electronic voting is handled through a secure site that verifies identity, provides information security and ensures confidentiality.
 - Try to impose electronic notice and voting on everyone. The law requires that members be provided with traditional alternatives to electronic notice and voting, such as paper ballots.
 - Forget that electronic notice and voting:
 - Allows multiple reminders to residents to vote, thereby facilitating quorum.
 - Avoids printing and mailing costs.
 - Automatically verifies and tabulates votes, even with weighted voting.
 - Gives members confidence that the voting is handled by an independent third party.

For more information, contact Hill Wallack LLP's Community Association Law Practice Group at 609.924.0808.



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