MEMBER COMMENTS:
PROPOSED ELECTION AND VOTING RULES CHANGE
January 27 – February 21, 2025

Below are comments sent in for the 45-day member notification and comment period for the proposed Election and Voting Rules Change. Comments were received between January 27 – February 21, 2025. A total of 4 comments were received. Comments are presented as submitted with no edits. Addresses, phone numbers, and email addresses were redacted.

To me the proposed election/voting rule changes are acceptable with one glaring exclusion. That being, electronic voting for all types of elections, with the exception of special assessments. Even if TD does not wish to commence electronic voting at this time, I believe that information should be in the new document as a future possibility. [cf.Civil Code §5105(i) and Civil Code § 5105(1)(D)] otherwise these rules will need yet another revision once electronic voting is possible within the TD Association. I ask that you not be short-sighted; rather, be pro-active and include the topic of electronic voting now.
Suzanne Sullivan

I received the proposed voting rules in the mail. It is a fairly lengthy document. I am fairly certain that these rules are not completely different from the existing rules. I would appreciate a red lined version of the existing voting rules that shows the changes that are being proposed. Thanks in advance for your help with this matter.
Regards
pd

I am a retired lawyer and have reviewed the proposed new rules. Unfortunately, the Board has chosen not to supply a summary of what these new rules will change. It would require a substantial effort to compare these rules with the former rules to make this a meaningful notification to members.

Please provide a summary of what these proposed rules would change to the conduct of elections and voting rules. I'm sure legal counsel has supplied such a summary to the Board. There should be no objection to supplying that summary or another summary to membership.

Sincerely,
Harold Neems

In today's digital age, accessibility is no longer a "nice to have" feature—it's a legal requirement. This applies not only to websites but also to digital documents, including PDFs. Failure to make PDFs accessible to individuals with disabilities exposes businesses to significant legal risks, including lawsuits, fines, and reputational damage.

U.S. Laws: ADA, Section 508, WCAG, and State-Level Fines

In the United States, businesses are required to provide accessible digital content under various laws, starting with the **Americans with Disabilities Act (ADA)**. Although the ADA does not explicitly mention PDFs, courts have repeatedly ruled that inaccessible digital content, including PDFs, can violate Title III of the ADA. This applies to businesses and organizations that are considered places of public accommodation, such as retail websites, educational institutions, and healthcare providers. Failure to provide accessible content can result in lawsuits, settlements, and sometimes court-ordered fines, with some recent ADA settlements exceeding hundreds of thousands of dollars.

Costly Cases

1. National Federation of the Blind v. Target Corporation: This precedent-setting class-action lawsuit in 2006 under the ADA required Target to pay $6 million in damage.
2. National Association of the Deaf v. Harvard: This case settled and Harvard and MIT were required to make their content accessible going forward and pay $1,575,000 in attorney's costs and fees.
3. National Federation of the Blind v. H&R Block: H&R Block was required to pay $100,000 in damages and civil penalties in addition to making its website and apps accessible.

Beyond civil lawsuits, businesses contracting with the federal government are subject to **Section 508 of the Rehabilitation Act of 1973**, which mandates that electronic and information technology, including PDFs, be accessible to people with disabilities. Failure to comply with Section 508 can lead to penalties, cancellation of government contracts, and potential exclusion from future projects.

U.S. State-Level Accessibility Laws with Financial Penalties

In addition to federal law, many U.S. states have enacted their own accessibility legislation with more specific consequences for non-compliance. States such as **California**, **New York**, and **Florida** are known for having stricter laws and higher financial penalties for accessibility violations. Not surprisingly, these states also consistently boast the highest number of digital accessibility lawsuits every year.

For example, **California's Unruh Civil Rights Act** extends ADA protections to online services and allows plaintiffs to seek damages of $4,000 per inaccessible instance, including inaccessible PDFs.

California also has a proposed law (AB 1757) that would require any website reaching California residents accessible to WCAG 2.1 AA standards. It would allow plaintiffs and organizations to hold website developers legally responsible for producing inaccessible websites. The bill also has no grace period…meaning inaccessible websites could face lawsuits immediately after the bill is passed. Like the existing Unruh Act, inaccessible websites and content could result in a $4,000 fine per violation.

Similarly, in **New York**, the **New York Human Rights Law** enables plaintiffs to recover monetary damages for discrimination, including digital accessibility violations. Colorado state and local government agencies must comply with HB21-1110, requiring all digital content to follow WCAG 2.1 AA by July 1, 2024. Failure to comply can result in injunctive relief and a $3500 fine.