

## **RESOLUTION AUTHORIZING ELECTRONIC VOTING AND PARTICIPATION FOR ASSOCIATION MEETINGS AND ELECTIONS**

### **COUNTRY CREEK HOMEOWNERS ASSOCIATION OF MANATEE, INC.**

**WHEREAS**, Section 720.317, Florida Statutes (2022) provides that an association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, in writing, to online voting and if various requirements are met; and

**WHEREAS**, the Board of Directors has determined it to be in the best interest of the Association to enable the use of electronic voting in Association matters and to create the requisite authority required by the above-referenced statute; and

**NOW THEREFORE**, it is resolved as follows:

1. The Association may permit Owners who desire to do so the ability to utilize electronic voting in conformance with the above-referenced statute, as amended from time to time, as well as any applicable administrative rules of the Florida Department of Business and Professional Regulation, as may now exist, be hereafter adopted, or as the same may be amended from time to time.
2. The Board or its President may determine that utilizing electronic voting is not in the best interest of the Association as to any meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic voting at any meeting or election.
3. Notice to Owners of the opportunity to vote through an online voting system shall be provided as required by law.
4. The Association hereby adopts the following:
  - The "Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings," which requires the Owner to opt-in from the community website, for an Owner to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and
  - The "Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings," which requires the Owner to opt-out from the community website, for an Owner to revoke their consent to electronic voting and/or their consent to receive electronic notice of meetings.
5. To implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services. The Board shall use reasonable judgment to ensure that such vendors' services comply with the requirements of law.
6. The Association or its agent shall notify Owners in meeting notice materials, as provided by law, of the ability to vote electronically, including but not limited to the provider's email address or website in a manner the Association reasonably believes to be sufficient to enable Owners to participate in electronic voting.
7. Owners who consent to vote by electronic means may still vote in person, if they choose, by paper means (use of proxies and ballots) or may send proxies to the Association by electronic mail, to the extent the Association otherwise receives and accepts proxies through such media. In the event of multiple votes cast by a Lot as to the same matter, the vote cast first in the election of Directors shall prevail, while the last vote cast will prevail with respect to non-election issues.

8. By affirming and otherwise choosing to vote electronically as enabled by this Resolution, each Owner recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the Owner's email address. As such, and as a condition of the Association's agreement to permit electronic voting, each Owner who consents to electronic voting releases and waives any claim against the Association pertaining to such voting, including but not limited to the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like. Each Owner who consents to electronic voting also consents to the Association's publication of their e-mail address, as well as other information (including necessary personal identifying information) to electronic voting service providers or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes. Such information shall not be considered an official record and shall not be available for Owner inspection unless required by law.
9. By affirming and otherwise choosing to vote electronically as enabled by this Resolution, each Owner further recognizes that internet/electronic communications may be subject to failure, interruptions, or other problems due to a variety of reasons, including but not limited to Owner operator error, provider system or server failures, "spam" blockers, power outages, and the like. As such, and as a condition of the Association's agreement to permit electronic voting, each Owner who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where an Owner vote was not received or counted by the Association due to no fault of the Board of Directors or management.

This Resolution was adopted by the Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2023 and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by the required notice in advance of said meeting. An Affidavit attesting to such notice is kept amongst the official records of the Association.

There are \_\_\_\_ total Board members. The number of Board members who voted in favor of this Resolution is \_\_\_\_\_. The number of Board members who voted against this Resolution is \_\_\_\_\_.

The vote of each Director is reflected in the minutes of the meeting at which this Resolution was adopted.

COUNTRY CREEK HOMEOWNERS ASSOCIATION OF MANATEE, INC.

BY: \_\_\_\_\_

Print name: \_\_\_\_\_

Its President