

EAST LAKE WOODLANDS CONDOMINIUM UNIT FIVE ASSOCIATION, INC.

**BOARD RESOLUTION AUTHORIZING ELECTRONIC VOTING AND
PARTICIPATION FOR ASSOCIATION MEETINGS AND ELECTIONS AND
ELECTRONIC NOTICE OF MEETINGS**

WHEREAS, Section 718.128, Florida Statutes, provides that an association may conduct elections and other owner votes through an Internet-based online voting system if an owner consents, in writing, to online voting and if various requirements are met; and

WHEREAS, Section 718.128, Florida Statutes, applies to an association that provides for and authorizes an online voting system pursuant to Section 718.128 by board resolution, which must be adopted in accordance with the procedures in Section 718.128; and

WHEREAS, Section 718.112(2)(d)6., Florida Statutes, provides that notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members; and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission; 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

WHEREAS, the Board of Directors has determined it to be in the best interest of the Association to adopt a form for owners to consent to receiving notice by electronic transmission.

NOW, THEREFORE, it is resolved as follows:

1. The Association may permit Unit Owners who desire to do so the ability to receive electronic notice and/or 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. Notice to Unit Owners of the opportunity to vote through an online voting system shall be provided as required by law.

3. The Association hereby adopts the following forms which are incorporated into these Rules by reference:

3.1 Attached as **Exhibit “A”** is the “Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings,” which a Unit Owner may sign and file with the Association, or which may be affirmed by the Unit Owner, in order for a Unit Owner to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and

3.2 Attached as **Exhibit “B”** is the “Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings,” which a Unit Owner may sign

and file with the Association, or which may be affirmed by the Unit Owner, to revoke their consent to electronic voting and/or their consent to receive electronic notice of meetings.

A Unit Owner may consent electronically to electronic voting (but may not consent electronically to electronic notice). Therefore, for electronic voting, an e-mail notification from a Unit Owner to the Association or the Unit Owner's completion of an online voting consent or revocation form may be used in lieu of a signed consent or revocation form, in which case the terms of the attached consent and revocation forms are incorporated by reference and shall be deemed affirmed by the Unit Owner when consent is given or revoked. Any valid consent on file with the Association prior to the adoption of this Resolution is valid and need not be replaced with a new form.

4. In order to implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services (referred to collectively hereinafter as the "Provider"). The Board shall use reasonable judgment to ensure that such Provider's services comply with the requirements of law.

5. The Association or its agent shall notify Unit Owners in meeting notice materials, as provided by law, of the ability to vote electronically, including, but not limited to, the Provider's e-mail address or website in a manner the Association reasonably believes to be sufficient to enable Unit Owners to participate in electronic voting.

6. As long as required by Section 718.128(4), Florida Statutes, as amended from time to time, the Board must honor a Unit Owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting.

7. Unit 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 facsimile transmission or electronic mail, to the extent the Association otherwise receives and accepts proxies through such media. In the event of multiple votes cast by a Unit 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. If it cannot reasonably be determined which vote was cast first in the election of directors, or last in the case of a non-election issue, the electronic vote shall be counted. In the absence of the Board announcing a different cutoff time/date for electronic voting, all electronic votes shall be cast no later than the start time of said meeting, at which time the ability to vote electronically shall be deemed closed for that meeting or election. In any instance wherein a meeting is lawfully adjourned and continued to a new time and date, for such matters to be voted upon but the question has not yet been called, the electronic voting shall be reopened following the adjournment to allow the Unit Owner to cast an electronic vote until the start time of the reconvening of the meeting, at which time the ability to vote electronically shall be deemed closed for that continued meeting.

8. By signing or affirming the consent form attached as Exhibit "A" hereto and otherwise choosing to vote electronically as enabled by these Rules, each Unit Owner recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the Owner's e-mail address. As such, and as a condition of the Association's agreement to permit electronic voting, each Unit 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 Unit 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 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 Unit Owner inspection unless required by law.

9. By signing or affirming the consent form attached as Exhibit “A” hereto, each Unit 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, Unit 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 Unit Owner who consents to electronic voting releases and waives any claim or challenge to such voting, including, but not limited to, situations where a Unit Owner vote was not received or counted by the Association due to no fault of the Board or management.

This Resolution was adopted by the Board of Directors on the **12th** day of **November 2024** and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by notice provided to each Unit Owner fourteen (14) days in advance of said meeting either by U.S. mail, hand-delivery, or electronic mail (in cases where Unit Owners have consented to receive official Association notices by electronic mail) and by posting said notice conspicuously on the Condominium Property fourteen (14) days in advance of said meeting. An Affidavit attesting to such notice is kept amongst the official records of the Association.

There are **five (5)** total Board members. The number of Board members who voted in favor of this Resolution is **four (4)**. The number of Board members who voted against this Resolution is **none (0)**. The vote of each Director is reflected in the minutes of the meeting at which this Resolution was adopted.

EAST LAKE WOODLANDS CONDOMINIUM
UNIT FIVE ASSOCIATION, INC.

BY:  _____
John Del Grande, Secretary

Date: **November 12, 2024**

(CORPORATE SEAL)

**CONSENT TO ELECTRONIC VOTING AND/OR CONSENT TO RECEIVE
ELECTRONIC NOTICE OF MEETINGS**

The undersigned, being all the Owners, or an eligible voter, for Unit No./Address _____, at **East Lake Woodland Condominium Unit Five**, pursuant to Florida Statutes, hereby consent(s) in writing to:

(Please place a check mark or x in the box or boxes below for which you are giving consent. You may consent to electronic voting, receiving electronic notice or both).

1. ☐ **ELECTRONIC VOTING.** By signing this consent form (or consenting to electronic voting by e-mail sent to the Association or the Unit Owner's completion of an online voting consent form), I/we consent to voting electronically at meetings and elections for **East Lake Woodlands Condominium Unit Five Association, Inc.** to the fullest extent permitted by law, pursuant to the provisions of the Board's Resolution authorizing electronic voting ("Resolution"), and release and waive 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 and any claim or challenge to such voting, including, but not limited to, situations where a Unit Owner vote was not received or counted by the Association due to no fault of the Board or management.

I/We designate the following e-mail address for electronic voting purposes, which e-mail address and other information (including personal identifying information) may be released to a third party that provides electronic voting services or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes:

(PRINT NEATLY) _____.

In the absence of the Board of Directors announcing a different deadline for consenting to electronic voting, the undersigned understands and agrees that in order to be valid, this consent form must be signed and on file with the Association at least **ten (10) days** prior to the meeting or election in which the Unit Owner wishes to vote by electronic means. To ensure that you are properly registered with the online voting system, it is highly encouraged that you register the account well in advance of the first meeting where you will be using electronic voting. The Board shall have the authority to set cutoff times for registering with the electronic voting system and for electronic voting in connection with the notice of any meeting where electronic voting will be used. In the absence of the Board of Directors announcing a different cutoff time/date for registering and voting, the Unit Owners must register with the electronic voting system and cast any electronic votes no later than the start time of the meeting, or the start time of the reconvening of an adjourned meeting, at which time the ability to vote electronically shall be deemed closed for that meeting or election.

I/We further understand and agree that, in order to use a different e-mail address for casting votes electronically, I/we must notify the Association in writing of the change of e-mail address no later than **ten (10) days** prior to the meeting or election in which the Unit Owner wishes to vote by electronic means. If I/we do not provide timely written notice of this change of e-mail address to the Association as provided herein, I/we further understand and agree that I/we may not be able to vote electronically until the next membership meeting and/or election.

2. ☐ **ELECTRONIC NOTICE.** I/we consent to receiving notice by electronic transmission for meetings of the Board, Committees, and Annual and Special Meetings of the Members of **East Lake Woodlands Condominium Unit Five Association, Inc.** I/We designate the following e-mail address for electronic notice purposes:

(You may write "same as above" or provide a different e-mail address for electronic notice purposes) _____.

The undersigned understands that mailed/paper notice may not be provided to the Unit Owners unless the Unit Owners have rescinded their consent to receive electronic notice of meetings. **The undersigned also understands that if I/we have consented to receive electronic notice and have consented to vote electronically, we may not be provided with the election ballot and envelopes for voting in the election of Directors, as the Association will expect that my/our votes will be cast electronically.**

Please be aware that if you consent to receive electronic notice of meetings, your e-mail address designated for that purpose will be an official record of the Association.

All Owners of the Unit or Eligible Voter Please Print Name, Affix Date and Sign Below:

By:_____

By:_____

Print Name:_____

Print Name:_____

Date:_____

Date:_____