

BEAUMER CONDOMINIUM ASSOCIATION, INC.

RESOLUTION AUTHORIZING ELECTRONIC VOTING

WHEREAS, Section 718.128, Florida Statutes, expressly authorizes a condominium association to conduct elections and other membership votes through an internet-based online voting system for those members consenting to vote online; and

WHEREAS, the Board of Directors deems it in the best interest of BeauMer Condominium Association, Inc. ("Association") and its members to utilize online voting; and

WHEREAS, the Board of Directors wishes to institute a system of online voting in compliance with Section 718.128, Florida Statutes.

NOW, THEREFORE, it is resolved as follows:

1. Use of an online voting system is hereby provided for and authorized as permitted by Florida Statutes and any applicable provisions of the Florida Administrative Code, as both may be amended from time to time.

2. The online voting system authorized by this Resolution may be used for any matter that requires a vote of the Members. For any election or matter for which each member retains the right to directly cast the Unit's vote, the Board of Directors may, by majority vote, permit online voting in its discretion. Accordingly, this resolution shall provide the option, but not the requirement, to utilize online voting for all permissible matters.

3. When the Association utilizes online voting, the notice materials required by law shall notify Members of the ability to vote electronically, in a manner the Association reasonably believes to be sufficient to enable the Members to participate in electronic voting.

4. The Association hereby adopts the following form, which is incorporated into this Resolution by reference as Exhibit "A": **Electronic Notice and Electronic Voting Consent Form**. Unless prohibited by law, Unit Owners may provide consent or revocation of consent to the Association in lieu of a signed consent or revocation form, in which case the terms of the attached consent and revocation form are incorporated by reference and shall be deemed affirmed by the Unit Owner when consent is given or revoked by e-mail.

5. To implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services. The Board will ensure that any method chosen can:

- a. Authenticate the member's identity to the online voting system.
- b. Authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
- c. Transmit a receipt from the online voting system to each member who casts an electronic vote.

- d. Permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific member.
- e. Store and keep electronic ballots accessible to election officials for recount, inspection, and review purposes.
- f. Confirm, at least 14 days before the voting deadline, that the member's electronic device can successfully communicate with the online voting system.

6. Once a Unit Owner consents to receive Association notices via electronic transmission, the Unit Owner will no longer receive mailed/paper ballots or proxies until such time as the Unit Owner rescinds the consent to receive notice via electronic transmission.

7. A member voting electronically shall be counted as attending the meeting for purposes of determining a quorum.

8. By signing or affirming the consent form attached as Exhibit "A" hereto and otherwise choosing to vote electronically in accordance with this Resolution, 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 of "viruses", "malware", "spyware", "cookies", and the like. Each Unit Owner who consents to electronic voting also consents to provide information (including necessary personal identifying information) to electronic voting service providers or other third parties to the extent 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 of Directors or management.

10. For the election of directors, a vote cast electronically will be final. A Unit Owner who does not cast their vote electronically will have the option of obtaining a ballot to vote in person at the meeting at which the election is held.

11. For membership votes other than the election of directors, a vote cast electronically may be revoked at any time by the Unit Owner up until such time as the vote is closed at the meeting at which the vote is held. For votes other than the election of directors, any Unit Owner also will have the option of casting a vote in person at the meeting at which the vote is held. If the Unit Owner had previously voted electronically, a vote cast in person by that Unit Owner will revoke the prior electronic vote.

IN WITNESS WHEREOF, the undersigned has hereunto affixed a hand and the seal of the Association this 25th day of APRIL, 2023 and this resolution shall be effective on an even date herewith.

BEAUMER CONDOMINIUM ASSOCIATION, INC.,
a Florida not-for-profit corporation

By: 
Gregory Jarrett, President