

ELECTRONIC VOTING AND PARTICIPATION FOR ALAFAYA WOODS HOMEOWNERS ASSOCIATION, INC. MEETINGS AND ELECTIONS

WHEREAS, Section 720.317, Florida Statutes, provides that an association may conduct elections and other member votes through an Internet-based online voting system if a member 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 Alafaya Woods Homeowners Association, Inc. (“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:

1.1 The Association may permit members 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.

1.2 The Board or its President may determine that utilizing electronic voting is not in the best interest of the Association as to any particular meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic voting at any particular meeting or election.

1.3 Notice to members of the opportunity to vote through an online voting system shall be provided as required by law.

1.4 In order 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, as set forth above.

1.5 Manner of Consent. Members must consent, in writing, to be entitled to vote by electronic means. Such consent must be manifested in any one of the following ways:

1.5.1 Consent Form. Attached as **Exhibit “A”** is the “Consent to Electronic Voting,” which the Association hereby adopts. Members may consent to online voting by completing, signing and filing this Consent to Electronic Voting form with the Association by mail, facsimile (if the Association maintains a facsimile number), email, courier, or personal delivery. If such manner of consent is utilized, the completed Consent to Electronic Voting form must be received by the Association at least **ten (10) days** prior to the meeting or election at which the member wishes to vote by electronic means; or

1.5.2 Email Notification. An e-mail notification from a member to the Association may be used in lieu of the Consent to Electronic Voting form, in which case the terms of the attached Exhibit “A” are incorporated by reference into such email and shall be deemed affirmed by the member when consent is given by e-mail. If such manner of consent is utilized,

the email must be received by the Association at least **ten (10) days** prior to the meeting or election at which the member wishes to vote by electronic means; or

1.5.3 Electronic Consent through Online Voting System. If the online voting system selected by the Board of Directors for use at any meeting or election at which electronic voting will be permitted so allows, members wishing to consent to online voting may do so through said system, by completing an online form manifesting such consent, in which case the terms of the attached Exhibit “A” are incorporated into such electronic form and shall be deemed affirmed by the member when the consent is given through the online voting system. All such consents from members must be received by the service conducting the online voting no later than **one (1) day** prior to the meeting or election at which the member wishes to vote by electronic means.

1.6 Manner of Opting Out. Members who have consented to vote by electronic means by any one of the manners of consent permitted hereunder and who subsequently wish to revoke such consent or opt-out of such electronic voting, must do so in one of the following ways:

1.6.1 Revocation of Consent Form. Attached as **Exhibit “B”** is the “Revocation of Consent to Electronic Voting,” which the Association hereby adopts. Members may revoke consent to vote electronically by signing and filing this Revocation of Consent to Electronic Voting form with the Association by mail, facsimile (if the Association maintains a facsimile number), email, courier, or personal delivery. If such manner of revocation of consent is utilized, the Revocation of Consent to Electronic Voting form must be received by the Association at least **ten (10) days** prior to the meeting or election at which the member wishes to revoke consent to vote by electronic means; or

1.6.2 Email Notification. An e-mail notification from a member to the Association may be used in lieu of the Revocation of Consent to Electronic Voting form, in which case the terms of the attached Exhibit “B” are incorporated into the email by reference and shall be deemed affirmed by the member when revocation of consent is given by e-mail. If such manner of revocation of consent is utilized, the email must be received by the Association at least **ten (10) days** prior to the meeting or election at which the member wishes to revoke consent to vote by electronic means; or

1.6.3 Electronic Revocation through Online Voting System. If the online voting system selected by the Board of Directors for use at any meeting or election at which electronic voting will be permitted so allows, members wishing to revoke consent to online voting may do so through said system, by completing an online form manifesting such revocation of consent, in which case the terms of the attached Exhibit “B” are incorporated into such electronic form and shall be deemed affirmed by the member when revocation of consent is given through the online voting system. All such revocations from members must be received by the service conducting the online voting no later than **ten (10) days** prior to the meeting or election at which the member wishes to vote by electronic means.

1.7 At such time as the Association contracts with or otherwise arranges for a vendor to provide electronic voting services, or if the Association changes vendors, the Association or its agent shall notify the members who have consented to electronic voting, by electronic mail or U.S. mail (or both), at the discretion of the Association, as to the identity of such vendor, including such contact or other information (including, but not limited to vendor e-mail address or website), as

the Association reasonably believes sufficient, to enable members to communicate directly with the vendor to engage in electronic voting.

1.8 Members 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 or Lot as to the same matter, the following priority shall prevail: (a) votes cast in person; (b) paper documents; (c) proxies sent by e-mail or facsimile transmission; and (d) on-line/internet/electronic votes.

1.9 By signing or affirming the consent form attached as Exhibit "A" hereto, each member 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 member 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 member 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 vendors 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 available for member inspection unless required by law.

1.10 By signing or affirming the consent form attached as Exhibit "A" hereto, each member 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 member operator error, vendor 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 member who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where a member vote was not received or counted by the Association due to no fault of the Board of Directors or management.

CONSENT TO ELECTRONIC VOTING

The undersigned, being all the Owners, or an eligible voter for _____ (Address), hereby consent in writing (by signing this form or agreeing to electronic voting by e-mail) to voting electronically at meetings and elections for Alafaya Woods Homeowners Association, Inc. to the fullest extent permitted by law, pursuant to the provisions of the Board’s “Resolution Authorizing Electronic Voting and Participation for Association Meetings and Elections,” adopted on _____, 20____, hereinafter “Resolution,” which is incorporated by reference herein.

My/Our e-mail address that will be used for electronic voting is _____.

The undersigned understands and agrees that in order to be valid, this consent form, or an email notification affirming same, must be on file with the Association no later than ten (10) days prior to the meeting or election in which the owner wishes to vote by electronic means; or if consent is being submitted through the online voting system itself, such consent must be received by the service conducting the online voting no later than one (1) day prior to the meeting or election in which the owner wishes to vote by electronic means.

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

By: _____

Print Name: _____

Date: _____

By: _____

Print Name: _____

Date: _____

Exhibit A

REVOCAION OF CONSENT TO ELECTRONIC VOTING

The undersigned, being all the Owners, or an eligible voter for _____ (Address), have previously consented to electronic voting at meetings and elections for Alafaya Woods Homeowners Association, Inc. as permitted by law by consent form dated _____, 20____, duly filed with the Association.

I/We hereby revoke my/our consent.

The undersigned understands and agrees that in order to be valid, this revocation of consent form or an email notification affirming same must be on file with the Association; or if revocation is being submitted through the online voting system itself, must be received by the online voting system; no later than ten (10) days prior to the meeting or election in which the Owner wishes to revoke consent to vote by electronic means.

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

By: _____

Print Name: _____

Date: _____

By: _____

Print Name: _____

Date: _____