

THE TOWERS OWNERS ASSOCIATION, INC.
SECTION 718.128, FLORIDA STATUTES (2023)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWERS OWNERS ASSOCIATION, INC.
AUTHORIZING THE ASSOCIATION TO CONDUCT ELECTIONS AND OTHER UNIT OWNER VOTES THROUGH
AN INTERNET BASED ONLINE VOTING SYSTEM

WHEREAS, **THE TOWERS OWNERS ASSOCIATION, INC.** (the "Association") is a Condominium Association, as defined by Section 718, Florida Statutes, and the entity authorized to operate and maintain a community commonly referred to as THE TOWERS (the "Community") and enforce the Amended and Restated Declaration of Condominium, as recorded in the Official Records of Sarasota County on July 31, 2023, at Instrument #2023119504 (the "Declaration");

WHEREAS, Section 718.128, Florida Statutes, provides as follows:

718.128 Electronic voting. The 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 the following requirements are met:

- (1) The association provides each unit owner with:
 - (a) A method to authenticate the unit owner's identity to the online voting system.
 - (b) For elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot.
 - (c) A method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.
- (2) The association uses an online voting system that is:
 - (a) Able to authenticate the unit owner's identity.
 - (b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
 - (c) Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.
 - (d) For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner.
 - (e) Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.
- (3) A unit owner voting electronically pursuant to this section shall be counted as being in attendance at the meeting for purposes of determining a quorum. A substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote, when a quorum is established based on unit owners voting electronically pursuant to this section.

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

(5) A unit owner's consent to online voting is valid until the unit owner opts out of online voting according to the procedures established by the board of administration pursuant to subsection (4).

(6) This section may apply to any matter that requires a vote of the unit owners who are not members of a timeshare condominium association.

WHEREAS, the Board of Directors has determined that utilization of an internet based on-line voting system to conduct elections and other Unit owner votes would be of a great benefit to the Unit owners and the Association;

NOW, THEREFORE, upon motion duly made, seconded and approved at a duly noticed and held meeting of the Board of Directors, BE IT HEREBY RESOLVED:

Section 1. That the Association is authorized to conduct elections and other Unit owner votes through an internet based online voting system pursuant to Section 718.128, Florida Statutes (2023);

Section 2. That the Board of Directors must give all members eligible to vote through the online voting system an opportunity to consent to voting through said system. All consents from eligible members must be received, in writing, by filling out the form on the online voting system. All consents must be received by the Association no later than fourteen (14) days prior to a meeting for which a vote will be required;

Section 3. That "consent, in writing," as used in Section 718.128, F.S., may be made via email; the email address of the Unit owner consenting is not considered an official record, however, unless the Unit owner has previously consented to receive notices via email.

Section 4. That the board resolution required by Section 718.128, F.S., must provide that all Unit owners receive notice of the opportunity to vote through an online voting system when the association utilizes online voting. The opportunity to vote online must be included in the notice of the meeting requiring the vote;

Section 5. That in advance of such meeting, at least 14 days prior to the meeting date, the Association, through management or otherwise, shall test, and ensure that the Unit owner's electronic device can successfully communicate with the online voting system.

Section 6. That the Board of Directors must give all members eligible to vote who have consented to casting their vote through the online voting system the opportunity to opt out of the online voting system. An eligible

