

**MALLORY CREEK HOMEOWNERS ASSOCIATION, INC.**

**SUPPLEMENTAL RESOLUTION RELATING ELECTRONIC VOTING  
BY THE MEMBERSHIP**

A meeting of the Board of Directors of MALLORY CREEK HOMEOWNERS ASSOCIATION, INC. (the "Association") was held on the 6<sup>th</sup> day of MARCH, 2020, after duly noticing said meeting in accordance with the Bylaws and Florida law, and after said meeting was called to order and upon call, a quorum was found to be present, and after a motion was duly made, and seconded, and carried by at least a majority vote, it was resolved as follows:

**RECITALS**

WHEREAS, Section 720.317 of the Homeowners Association Act (the "Electronic Voting Statute"), 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, at the September 7, 2019 regular meeting of the Board of Directors, the Board adopted a Resolution in compliance with the Electronic Voting Statute to implement electronic or "online" voting for the membership;

WHEREAS, the Board of Directors has since approved a vendor to provide the online voting platform for those members of Mallory Creek who wish to vote online, which vendor may be changed in the future by the Board of Directors at its discretion.

WHEREAS, the Board of Directors now wishes to approve the forms for Members to utilize to express their written consent to voting online, as well as to provide members with a form to utilize if they desire to revoke their consent to online voting in the future.

WHEREAS, the Board of Directors also wishes to modify the time frames previously established for a Member to consent to voting online and revoke such consent.

NOW THEREFORE, it is resolved as follows:

1. The "Consent to Electronic Voting" and "Revocation of Consent to Electronic Voting" forms attached to this Resolution as **Exhibits "A" and "B"**, respectively, are hereby approved as the forms to be used by the membership to consent and revoke such consent to online voting.
2. Members who desire to vote online must complete and sign the Consent to Electronic Voting form and on file to the Association **no later than 30 days prior** to meeting at which the vote will take place.

3. Members who have chosen online voting may subsequently opt out of online voting by completing and signing the Revocation of Consent to Electronic Voting form and on file with the Association **no later than 30 days prior** to meeting at which the vote will take place.

BE IT FURTHER RESOLVED that this Resolution shall be recorded in the official records of Palm Beach County, Florida.

The Board of Directors for the Association approved the adoption of the above Resolution by a vote of 5 For and 0 Against.

IN WITNESS WHEREOF, this Resolution has been approved and executed this 6<sup>th</sup> day of March, 2020.

**Mallory Creek Homeowners Association,  
Inc.**

By: William J. Murphy  
William Murphy, President

Attest: David Burr  
David Burr, Secretary

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**MALLORY CREEK HOMEOWNERS ASSOCIATION, INC.**

**A RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING ONLINE  
VOTING PURSUANT TO FLORIDA STATUTES**

**THAT WHEREAS**, Chapter 720, Florida Statutes, authorizes the Association to utilize online voting for membership votes and elections; and

**WHEREAS**, the Board of Directors deems it in the best interest of the 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 the Statute;

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors

The Board of Directors hereby authorizes online voting in accordance with Chapter 720, Florida Statutes. (1) All member meeting and election notices shall include notice of the opportunity to vote through an online voting system. (2) The owners choosing to vote online must notify the Association in writing by no later than 15 days before the mailing of the first notice of the meeting at which the vote shall take place. (3) Unit owners who have chosen online voting may opt out of online voting by notifying the Association in writing no less than 15 days before the mailing of the first notice of the meeting at which the vote shall take place.

ADOPTED by the Board of Directors this 7<sup>th</sup> day of September, 2019.

**EXHIBIT "A" TO RESOLUTION**

**CONSENT TO ELECTRONIC VOTING FORM**

The undersigned, being an Owner or the Voting Member under Article II, Section 8 of the Association Bylaws for Lot # \_\_\_\_\_/Address \_\_\_\_\_, at Mallory Creek Homeowners Association, Inc., pursuant to Florida Statutes, hereby consents in writing to **ELECTRONIC VOTING**.

By signing this consent form, I consent to voting electronically at meetings of the members, including elections, for **Mallory Creek Homeowners Association, Inc.** to the fullest extent permitted by law, pursuant to the provisions of the Board's Resolution authorizing electronic voting, as modified from time to time. I designate the following email address and telephone number for electronic voting purposes (*please only designate one email address and one telephone number for the authorized voting representative*):

Email Address: \_\_\_\_\_  
(PRINT NEATLY)

Telephone Number \_\_\_\_\_  
(PRINT NEATLY)

The undersigned understands and agrees that in order to be valid, this consent form must be signed and on file with the Association **no later than 30 days prior** to the meeting or election in which the Owner wishes to vote by electronic means, and that all electronic votes shall be cast within the window set by the Board in advance of said meeting at which time the ability to vote electronically shall be deemed closed for that meeting or election.

Please note that your email address is necessary to participate in online voting. The vendor providing the online voting platform to the Association also needs your telephone number for its "2-Step Verification" process. Although you are providing your email address and telephone number to the Association on this form, this serves to confirm that you are **NOT** consenting to this information becoming part of the official records of the Association under Section 720.303 of Florida's Homeowners' Association Act and that you are **NOT** consenting to the disclosure of this information to other members of the Association. The Association may, however, be required to disclose the above information in a legal proceeding pursuant to the order of a court or other tribunal, including in connection with a legal challenge to the election process or other vote of the membership.

**DISCLOSURES**

The Member/Owner recognizes that the Association cannot control the practices of third parties regarding their internet communication 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/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. By signing this form the Member/ Owner consents to the Association providing their e-mail address and telephone number, as well as other information (including necessary personal identifying information) to its electronic voting service provider to the extent reasonably necessary to enable the Member/Owner to use the electronic voting platform. Such information will be

safeguarded by the Association's online voting provider in accordance with the provider's privacy policy which the Member/Owner acknowledges as having read and accepted.

By signing or affirming below, the Member/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 as a result of the any of the foregoing or due to no fault of the Board of Directors or its management.

**Eligible Voter Please Sign, Print Name and Affix Date Below:**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

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**EXHIBIT "B" TO RESOLUTION**

**REVOCATION CONSENT TO ELECTRONIC VOTING**

The undersigned, being the eligible voter for Lot # \_\_\_\_\_/Address \_\_\_\_\_, at *Mallory Creek Homeowners Association, Inc.*, have previously consented in writing to electronic voting at meetings and elections and/or to receive electronic notice of meetings/elections for *Mallory Creek Homeowners Association, Inc.*, as permitted by law and duly filed with the Association.

I hereby **revoke** my consent for **ELECTRONIC VOTING**

The undersigned understands and agrees that if revoking consent for electronic voting, this form must be signed and on file with the Association **no later than thirty (30) days** prior to the meeting or election in which the Owner wishes to revoke consent to vote by electronic means or the revocation will not be effective until the next membership meeting and/or election. However, if the Association receives this revocation **less than thirty (30) days** prior to the meeting or election, the revocation will be effective for the next subsequent membership meeting.

**Eligible Voter Please Sign, Print Name and Affix Date Below:**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_