



RESOLUTION NO. 2025-02

A RESOLUTION OF THE SUMMER HOUSE IN OLD HOUSE IN OLD PONTE VEDRA CONDOMINIUM ASSOCIATION TO ACCEPT COMPLETED BALLOTS SUBMITTING BY UNIT OWNERS VIA EMAIL AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Florida Statute § 718.128(1)–(6), condominium associations may, under certain conditions, conduct elections and other unit owner votes through an Internet-based online voting system that complies with statutory requirements for authentication, security, transparency, and recordkeeping; and

WHEREAS, the Board of Directors of the Association has determined that it has not adopted, implemented, or activated such an Internet-based online voting system at this time, and therefore, any unit owner voting must be conducted through alternative lawful methods, including the submission of ballots via e-mail as specifically authorized by Florida Statute § 718.128(7); and

WHEREAS, the Board of Directors recognizes the importance of maintaining transparency, fairness, and legal compliance in all Association voting procedures, including the receipt and processing of ballots submitted by e-mail pursuant to Florida Statute § 718.128(7); and

WHEREAS, in the absence of a formalized procedure, inconsistencies in the submission, handling, and validation of e-mailed ballots may create uncertainty, administrative burdens, or potential challenges to the legitimacy of election results or other Association votes; and

WHEREAS, the Board desires to adopt a uniform and enforceable process that clearly outlines the steps for submitting, receiving, verifying, and storing e-mailed ballots, in order to protect the rights of unit owners, ensure the integrity of the voting process, and fulfill the Association's statutory obligations under the Florida Condominium Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION AS FOLLOWS:

- 1. Designated E-mail Address for Ballot Submission.**

In accordance with Florida Statute § 718.128(7)(a), the Association shall designate a specific and exclusive e-mail address for the receipt of completed ballots submitted electronically by unit owners. This designated e-mail address shall be used solely and exclusively for the purpose of receiving e-mailed ballots related to Association elections, votes, and other official business as authorized by law.

To ensure clarity and reduce the risk of misdirected or unaccounted-for ballots, any ballots sent to any other Association e-mail address—including, but not limited to, personal e-mail accounts of directors, managers, or Association staff, or general communication addresses—shall be deemed invalid and shall not be counted.

The Association shall take reasonable steps to publish, circulate, and maintain public notice of the designated e-mail address well in advance of any vote or election, including but not limited to posting it on the Association's official website (if applicable), including it in any official meeting notice or ballot mailing, and providing it upon written request by any unit owner.

The **designated e-mail address for the submission of completed ballots** is:

Summerhousepyballots@gmail.com

The Board of Directors shall have the authority to update the designated e-mail address from time to time, provided such change is clearly communicated to all unit owners in advance of any voting period. Any such change must be adopted by board resolution and documented in the Association's official records.

2. Required Ballot Content.

In order to be deemed valid and counted in any Association vote or election, an e-mailed ballot submitted pursuant to Florida Statute § 718.128(7) must contain specific identifying information that allows the Association to verify the identity of the voting unit owner and to ensure compliance with statutory voting procedures.

Each e-mailed ballot must include the following information, either within the body of the e-mail message itself or clearly marked on the attached ballot form (such as a PDF or image file):

a. Typed First and Last Name of the Unit Owner.

The unit owner must type their full legal first and last name. This typed name shall constitute the unit owner's electronic signature for purposes of validating the ballot under Florida law. Handwritten signatures submitted via e-mail may be accepted but are not required.

b. Typed Condominium Unit Number.

The ballot must clearly indicate the specific unit number associated with the vote. If multiple units are owned, a separate ballot must be submitted for each unit unless otherwise authorized by the governing documents of the Association.

c. Statutory Waiver of Ballot Secrecy.

In accordance with Florida Statute § 718.128(7)(c), each e-mailed ballot must include the required statutory disclosure and waiver language related to the loss of ballot secrecy. This waiver shall be presented in the manner prescribed by law, as described in Section 3 of this Resolution.

d. Clarity and Legibility.

Ballots or e-mail submissions that are illegible, incomplete, or unclear in their content, or that do not clearly identify the voting unit owner and unit number, may be deemed invalid at the discretion of the Board of Directors.

e. Ownership Verification.

Ballots must be submitted by the record title holder of the unit as shown in the official records of the Association.

f. Voting Certificate

A Voting Certificate must be on file for the purpose of establishing who is authorized to vote for a unit owned by more than one person, a corporation or a partnership. The Voting Certificate must be signed by all owners of the unit or the appropriate corporate officer.

If a certificate designating the person entitled to cast the vote for a unit for which such certificate is required is not on file or has been revoked, the vote attributable to such Unit shall not be considered in determining whether a quorum is present, not for any other purpose, and the total number of authorized votes in the Association shall be reduced accordingly until such certificate is filed.

A Voting Certificate is valid unless revoked in writing by a subsequent certificate.

g. Optional Attachments.

While not required, owners may attach a completed ballot form or any other documentation to the e-mail submission, provided it does not conflict with the body of the e-mail. In the case of a discrepancy, the content in the body of the e-mail will govern.

3. Statutory Waiver of Ballot Secrecy.

Pursuant to Florida Statute § 718.128(7)(c), any unit owner who submits a completed ballot to the Association via e-mail must affirmatively waive the secrecy of their ballot in writing. This waiver is required by law because e-mail submissions cannot preserve the anonymity typically afforded to paper ballots cast in person or by mail.

To satisfy this legal requirement, the following **mandatory waiver language** must be included in the body of the e-mail or on the face of the ballot attachment, and must be presented in compliance with statutory formatting standards:

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON.

This waiver must appear in ALL CAPITAL LETTERS and in a font size that is larger than any other text contained in the e-mail or on the ballot. The formatting is not optional and is required by statute to ensure the unit owner is fully aware of the privacy implications of voting via e-mail.

Failure to include the waiver exactly as set forth above and in the required format shall render the ballot invalid and it will not be counted. The Association shall not be responsible for reminding unit owners to include the required language or for correcting improperly formatted submissions.

Unit owners who do not wish to waive ballot secrecy are encouraged to vote in person or by any other method permitted by the Association's governing documents and Florida law.

4. Transmission Deadline.

In order for an e-mailed ballot to be counted as valid and timely, it must be received in the designated e-mail inbox by the date and time of the commencement of the meeting during which the vote or election will occur. This deadline is established to ensure the orderly administration of voting procedures and to allow time for the verification and tabulation of ballots before or during the meeting.

a. Time of Receipt Controls Validity.

For purposes of determining timeliness, the timestamp on the e-mail as recorded in the designated inbox shall govern. E-mails received after the scheduled meeting start time—regardless of when they were sent by the unit owner—shall be deemed untimely and shall not be opened, reviewed, or counted under any circumstances.

b. No Responsibility for Delivery Failures.

It is the sole responsibility of the unit owner to ensure that their e-mailed ballot is submitted to the correct e-mail address, is free from transmission errors, and is received prior to the applicable deadline. The Association shall not be held responsible for late, misdirected, corrupted, blocked,

or otherwise undeliverable ballots due to technical errors, spam filters, incorrect addressing, or any other issue beyond the control of the Association.

c. Automated Replies and Receipts.

The Association may, but is not required to, set up an automated confirmation receipt for ballots received via e-mail. Lack of a confirmation does not invalidate a ballot that was properly received in the designated inbox by the required deadline.

d. Finality.

Ballots submitted via e-mail are considered final upon receipt. A unit owner may not submit multiple ballots or “corrected” ballots for the same unit. In the event of multiple submissions from the same unit owner, the latest timely submission that meets all requirements shall control, and all prior versions shall be disregarded.

5. Receipt and Presumption of Review.

To ensure proper legal handling and defensibility of ballots submitted via e-mail, and in compliance with Florida Statute § 718.128(7)(b), the Association shall establish a formal process for the monitoring and review of all ballots sent to the designated e-mail address.

a. Designated Review Authority.

All e-mailed ballots shall be reviewed exclusively by one or more of the following individuals, as authorized by the Board of Directors:

- A current member of the Board of Directors;
- The licensed community association manager employed or contracted by the Association pursuant to Part VIII of Chapter 468, Florida Statutes;
- An agent of the Association acting under Board authority.

b. Presumption of Review.

There shall be a rebuttable presumption that all folders and subfolders associated with the designated e-mail address have been properly reviewed prior to the vote tally if any one of the above-listed individuals executes a sworn affidavit attesting to such review. This presumption is established pursuant to Florida Statute § 718.128(7)(b) and serves to protect the legitimacy of the vote count from legal challenges based on missed e-mails or overlooked ballots.

c. Review Procedure.

The individual(s) designated to review the e-mail inbox shall, at a minimum:

- Confirm that each e-mail was received by the published deadline;
- Verify that the ballot includes all required content as outlined in Section 2;

- Check for proper formatting of the statutory waiver as required in Section 3;
- Maintain an accurate list of ballots received, including unit numbers and names;
- Flag and document any disqualified ballots, including the reason for disqualification.

d. Ballot Record Retention.

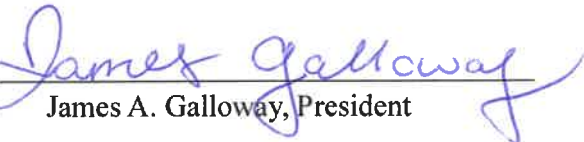
All e-mailed ballots, whether counted or disqualified, shall be retained in their original digital form and preserved in the Association's official records in accordance with Chapter 718, Florida Statutes, and the Association's record retention policies. E-mailed ballots shall be treated as official voting records and made available to unit owners for inspection upon proper request, subject to any applicable confidentiality exemptions.

6. Effective Date.

This Resolution shall be effective upon execution of the President of the Board.

PASSED AND ADOPTED by the Board of the Association this 27 day of September 2025.

SUMMER HOUSE OF OLD PONTE VEDRA
CONDOMINIUM ASSOCIATION

By: 
James A. Galloway, President