

Board resolution adopting electronic voting

Florida condominium association. Chapter 718, Fla. Stat.

What this template is

Section 718.128, Fla. Stat., lets a Florida condominium association run elections and other unit owner votes through an Internet-based online voting system. It does not switch on by itself. Subsection (4) says the section “applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution,” and it tells you three things that resolution has to contain. Most resolutions circulating in Florida contain one of the three.

This template is the resolution, plus the consent form, the opt-out form, the owner notice, and the vendor attestation that the resolution depends on. Every requirement traceable to the statute is marked as required and should not be deleted. Everything else is a default you can change.

Two structural choices are worth naming up front, because they are where boards get into trouble:

1. **The resolution carries the procedures, not a separate policy memo.** Subsection (4) requires the resolution itself to establish the consent procedure, the consent deadline, the opt-out procedure, and the opt-out deadline. A resolution that says “the board will adopt procedures” has not done what the statute asks.
2. **Consent to vote online and consent to receive notice electronically are two different consents.** Section 718.112(2)(d)7. governs notice by electronic transmission and requires its own consent. An owner who consents to online voting has not thereby consented to receive meeting notices by email. This template keeps the two separate and gives the owner a place to grant each one.

How to use it

1. Fill every field in square brackets. Fields marked required by statute are flagged in the margin note under each section.
2. Decide the six items in “Before you adopt” below. They are the only decisions the statute leaves to you, and each one lands in a specific numbered section of the resolution.
3. Notice the board meeting. Adequate notice of a board meeting must specifically identify all agenda items and be posted conspicuously on the condominium property at least 48 continuous hours before the meeting, except in an emergency, under § 718.112(2)(c)1., Fla. Stat. “Adopt resolution authorizing online voting under § 718.128” is a specific agenda item. “New business” is not.
4. Adopt at an open board meeting, by the vote your bylaws require for board action. Record the vote of each director in the minutes; § 718.111(1)(b), Fla. Stat., requires a vote or abstention for each member present to be recorded, and it bars directors from voting by proxy or secret ballot at board meetings, except that officers may be elected by secret ballot.
5. Send Exhibit C to owners and start the consent window.
6. Keep the signed resolution, the vendor attestation, and every consent and opt-out in the official records. Records relating to voting by unit owners must be kept for one year from the date of the election, vote, or meeting to which they relate, under § 718.111(12)(a)12., Fla. Stat.

Before you adopt: six decisions

#	Decision	Where it lands	Statutory constraint
1	Which votes online voting covers: board elections only, or elections and all other owner votes	Section 2	§ 718.128 permits both. Subsection (8) applies the section to any matter requiring a unit owner vote, except in a timeshare condominium association
2	The vendor or system, and how you will verify each capability	Section 3, Exhibit D	The five system capabilities in § 718.128(2) are not negotiable
3	How an owner consents, and the deadline	Section 5	§ 718.128(4) requires reasonable procedures and deadlines for consent, electronically or in writing
4	How an owner opts out after consenting, and the deadline	Section 6	§ 718.128(4) requires reasonable procedures and deadlines to opt out after giving consent
5	How the association will confirm each consenting owner's device can reach the system at least 14 days before the voting deadline	Section 10	§ 718.128(1)(c) sets the 14-day floor
6	Who administers the vote and who holds the records	Sections 11 and 13	§ 718.111(12)(a)12. sets the one-year retention floor

Only decision 1 changes what the resolution is for. The other five change how it works.

Resolution of the board of directors

Adoption of an Internet-based online voting system under section 718.128, Florida Statutes

Association: [Association legal name], [a Florida corporation not for profit / a Florida corporation for profit / an association in existence on January 1, 1977, which is not incorporated], the association responsible for the operation of [Condominium legal name, as stated in the declaration], a condominium.

Choose the one that matches your articles of incorporation. Section 718.111(1)(a), Fla. Stat., requires the association operating the condominium to be a Florida corporation for profit or a Florida corporation not for profit, except that an association in existence on January 1, 1977, need not be incorporated. A secretary certifies this block as true and correct, so do not leave a form of organization in it that the association does not have.

Condominium property address: [Street, city, county, Florida, ZIP]

Declaration recorded at: Official Records Book [book], Page [page], Public Records of [county] County, Florida, and all amendments.

Meeting at which adopted: [Regular or special] meeting of the board of directors, [date], [time], [physical location and, if applicable, video-conference link and conference telephone number].

Resolution number: [Year]-[sequence]

Effective date: [Date]

Recitals

A. Section 718.128, Fla. Stat., authorizes a Florida condominium association to conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting, and if the requirements of that section are met.

B. Section 718.128(4), Fla. Stat., provides that the section applies to an association that provides for and authorizes an online voting system by board resolution, and requires that the resolution provide for owner notice of the opportunity to vote online, establish reasonable procedures and deadlines for owners to consent to online voting, and establish reasonable procedures and deadlines for owners to opt out after giving consent.

C. The board has reviewed the requirements of § 718.128, Fla. Stat., has evaluated the online voting system identified in Section 3 below against the capabilities that section requires, and finds that authorizing online voting will make voting more accessible to unit owners who cannot or do not attend in person.

D. [Optional. Use only if applicable.] On [date], the board received a petition signed by at least 25 percent of the voting interests requesting adoption of a resolution for electronic voting for the next scheduled election, and this meeting is held within 21 days after receipt of that petition, as § 718.128(6), Fla. Stat., requires.

E. Nothing in this resolution removes any right a unit owner holds under the declaration, the bylaws, the articles of incorporation, or chapter 718, Fla. Stat.

Now, therefore, the board of directors resolves as follows.

Section 1. Authorization

The association adopts, provides for, and authorizes the use of an Internet-based online voting system for unit owner voting, as permitted by § 718.128, Fla. Stat. This resolution is the board resolution that § 718.128(4), Fla. Stat., requires.

Required. Without this sentence the association is not an association that has adopted electronic voting, and § 718.128(7) email ballots remain its only electronic path.

Section 2. Scope: which votes may be cast online

Online voting is authorized for:

- ☐ Elections of the board of directors.
- ☐ All other matters submitted to a vote of the unit owners, including [list the categories the board intends to cover, for example: amendments to the declaration or bylaws, waiver or reduction of reserves, material alterations, recall votes where permitted, and approval of expenditures requiring an owner vote].

The board may, by later resolution adopted at a properly noticed board meeting, narrow or expand this scope prospectively. A change in scope does not take effect for a vote whose first notice has already been sent.

Exclusion. This resolution does not apply to a timeshare condominium association. Section 718.128(8), Fla. Stat., extends the section to any matter requiring a vote of unit owners who are not members of a timeshare condominium association.

Board meetings are not covered. This resolution governs unit owner voting only. Directors may not vote by proxy or by secret ballot at a board meeting, except that officers may be elected by secret ballot, and members of the board may use email to communicate but may not cast a vote on an association matter by email. See § 718.111(1)(b) and § 718.112(2)(c), Fla. Stat.

Decision 1. Check at least one box. Leaving both unchecked authorizes nothing.

Section 3. The online voting system and the capabilities it must have

The association will use the online voting system described below.

Field	Value
System or platform name	[Name]
Vendor legal name	[Vendor]

Field	Value
Contract or engagement date	[Date]
Contract term and renewal date	[Term]
Association contact responsible for the system	[Name, title]

Before the association uses the system for any vote, the board must obtain and place in the official records a written attestation from the vendor, in the form of Exhibit D, confirming that the system is:

1. Able to authenticate the unit owner's identity.
2. Able to authenticate the validity of each electronic vote, so that a vote is not altered in transit.
3. Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.
4. 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.
5. Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

The association must also provide each unit owner with:

6. A method to authenticate the unit owner's identity to the online voting system.
7. 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.
8. 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.

If the board learns that the system no longer meets any item in this section, the board must suspend online voting for the affected vote type until the deficiency is corrected, and must promptly notify unit owners who have consented to online voting. A vote already in progress when a deficiency is discovered must be referred to the association's counsel before the results are certified.

Required. Items 1 through 5 restate § 718.128(2)(a) through (e), Fla. Stat. Items 6 through 8 restate § 718.128(1)(a) through (c). None of the eight is optional, and item 4 applies specifically to board elections. Item 4 uses the statute's term, "board of administration," which § 718.103(5), Fla. Stat., defines as the board of directors or other representative body responsible for administering the association. It is the same body this resolution elsewhere calls the board of directors.

Section 4. Notice to unit owners of the opportunity to vote online

Unit owners will receive notice of the opportunity to vote through the online voting system as follows.

- **Initial notice.** Within [10] days after this resolution is adopted, the association will send the notice attached as Exhibit C to every unit owner at the address last furnished to the association, by [mail, hand delivery, or electronic transmission to owners who have separately consented to

receive notice by electronic transmission], and will post it at the location the board has designated for posting notices.

- **Notice with every vote.** The association will include a statement of the opportunity to vote online, and the consent deadline that applies to that vote, with the first notice of every unit owner vote covered by Section 2. For a board election, that is the first notice of the date of the election required at least 60 days before the election by § 718.112(2)(d)5.a., Fla. Stat.
- **Notice to new owners.** The association will send Exhibit C to a new unit owner within [30] days after the association records the transfer.
- **Standing availability.** The consent form, the opt-out form, and this resolution will be available on request from [management company or association contact] and, if the association maintains a website or mobile application, posted there.

Required. Section 718.128(4), Fla. Stat., requires the resolution to provide that unit owners receive notice of the opportunity to vote through an online voting system. This section is where that requirement is satisfied. Delete the bullets you do not want, but do not delete the section.

Section 5. How a unit owner consents to online voting

A unit owner consents to online voting by any of the following methods. Each is equally valid, and the association may not require one method over another.

1. **In writing.** By signing the consent form attached as Exhibit A and delivering it to the association at [mailing address] or by hand to [location].
2. **Electronically.** By submitting the consent through [the online voting system's consent page at [URL] / the association's website at [URL] / email to [designated email address]], in a manner that records the owner's name, unit, and the date of consent.

What the association records for each consent: unit identification, owner name as it appears in the association's roster, the email address or account identifier the owner designates for voting, the method of consent, and the date received. The association will send the owner a written or electronic acknowledgment within [5] business days.

Consent deadline for a given vote. To vote online in a particular election or vote, a unit owner must consent no later than [choose one: 30 days before the voting deadline / the date the second notice and ballot are mailed / another reasonable date the board sets and states in the notice for that vote]. A consent received after that deadline is valid, and is effective for the next covered vote rather than the pending one.

Multiple owners of one unit. A unit has one vote. Where a unit is owned by more than one person, consent must be given by the person designated on the association's voting certificate for that unit, or, if no voting certificate is on file, by [the owner the association's roster lists first / all record owners jointly]. Consent by one co-owner does not authorize another person to cast the unit's ballot. A unit owner may not authorize any other person to vote his or her ballot in a board election, and a ballot improperly cast is invalid under § 718.112(2)(d)5.a., Fla. Stat.

Consent to online voting is not consent to electronic notice. An owner who consents under this section has consented to vote through the online voting system. Notice of meetings may be given by electronic transmission only to unit owners who separately consent to receive notice that way, under § 718.112(2)(d)7., Fla. Stat. Exhibit A collects the two consents separately, and an owner may give either without the other.

Required, and this is decision 3. Section 718.128(4), Fla. Stat., requires the resolution to establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing. A resolution that names no deadline has not established one.

Section 6. How a unit owner opts out after consenting

A unit owner who has consented to online voting may opt out at any time, by either method below.

1. **In writing.** By signing the opt-out form attached as Exhibit B and delivering it to the association at [mailing address] or by hand to [location].
2. **Electronically.** By submitting the opt-out through [the online voting system's account settings / the association's website at [URL] / email to [designated email address]] from the address or account the owner designated at consent, or by any other means that reasonably identifies the owner and the unit.

The association will acknowledge an opt-out in writing or electronically within [5] business days, and will record the date it was received.

Opt-out deadline for a given vote. An opt-out received on or before [choose one: 14 days before the voting deadline / the date the second notice and ballot are mailed / another reasonable date the board sets and states in the notice for that vote] takes effect for that vote. An opt-out received after that date takes effect for the next covered vote.

What happens after an opt-out. The association will send the owner a paper ballot and the accompanying materials for every subsequent covered vote, at the address last furnished to the association, on the same schedule as every other paper ballot. An owner who opts out loses nothing except the online channel.

An opt-out is not a waiver. Opting out does not waive notice, does not waive the right to attend or speak at a meeting, and does not waive the right to vote by any other method the declaration, the bylaws, or chapter 718, Fla. Stat., allows.

Re-consenting. An owner who opts out may consent again at any time, using Section 5.

Required, and this is decision 4. Section 718.128(4), Fla. Stat., requires the resolution to establish reasonable procedures and deadlines to opt out after giving consent. Section 718.128(5) makes consent valid until the owner opts out under those procedures, which means an association with no opt-out procedure has consents it cannot cleanly end.

Section 7. Duration of consent, and the association's continuing obligation

A unit owner's consent to online voting remains valid until the owner opts out under Section 6, as § 718.128(5), Fla. Stat., provides.

The association must honor a unit owner's request to vote electronically at all subsequent elections unless the owner opts out. This obligation runs with the consent, not with the board, and it does not lapse because a term ends, a manager changes, or a vendor is replaced. If the association changes voting systems, the association must migrate existing consents to the new system and must notify each consenting owner of the change at least [30] days before the next covered vote.

Consent runs with the person, not with the unit. When a unit is sold, the seller's consent ends and the new owner receives Exhibit C under Section 4.

Required. Section 718.128(4) and (5), Fla. Stat.

Section 8. Ballot secrecy in board elections

For an election of the board of directors, the online voting system must permanently separate any authentication or identifying information from the electronic election ballot, so that it is impossible to tie an election ballot to a specific unit owner. The method the association provides for transmitting an electronic ballot must ensure the secrecy and integrity of each ballot.

No director, officer, manager, committee member, or association employee may access, request, or be provided any record that associates a cast election ballot with the unit owner who cast it. If any person obtains such an association of ballot to owner, whether by accident or by a system defect, that person must report it to the board in writing, and the board must refer the matter to the association's counsel before the election results are certified.

The board directs [management company or designated officer] to confirm in writing, before each board election, that the separation described in this section is in effect for that election.

Required. Section 718.128(1)(b) and (2)(d), Fla. Stat. This is the one capability that carries a criminal analogue nearby: § 718.111(1)(d), Fla. Stat., points to forgery of a ballot envelope or voting certificate in a condominium association election being punishable under § 831.01, Fla. Stat.

Section 9. Quorum, and the limit on what can be voted on

A unit owner voting electronically under § 718.128, Fla. Stat., counts as being in attendance at the meeting for purposes of determining a quorum.

Where a quorum is established based on unit owners voting electronically, a substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote. The association will therefore state each question to be voted on, in full and in final form, in the materials sent with the electronic ballot, and will not add, combine, reword, or substitute a question after those materials are sent.

If a question needs to change after the electronic ballot goes out, the association must withdraw the question and re-notice it. The board may not treat a floor amendment as within the scope of a question already balloted electronically.

Required. Section 718.128(3), Fla. Stat. This is the sleeper provision. It is why an agenda for a meeting with electronic voting has to be drafted in final language rather than in headings, and it is the reason most commonly given after the fact for a vote being challenged.

Section 10. Confirming that owners can reach the system

At least 14 days before the voting deadline for each covered vote, the association will provide each consenting unit owner a method to confirm that the owner's electronic device can successfully communicate with the online voting system.

The association will do this by [describe the method, for example: sending each consenting owner a test link that returns a confirmation screen, and logging the result]. The association will keep a record of the date the method was made available and of each owner's confirmation or failure.

If an owner reports that the confirmation failed, the association will [describe the remedy, for example: provide support at [contact] and, if the failure is not resolved at least [3] days before the voting deadline, send the owner a paper ballot].

Required, and this is decision 5. Section 718.128(1)(c), Fla. Stat., sets 14 days as a floor before the voting deadline, not before the meeting. Where a deadline is the close of the meeting, count back from that.

Section 11. Records

The association will maintain, as official records:

- this resolution and every amendment to it;
- the vendor attestation required by Section 3, and any replacement attestation;
- every consent and every opt-out, with the date received;
- the confirmation records required by Section 10;
- the electronic ballots, the tabulation, and the audit or activity log the online voting system produces for each vote; and
- the notice sent under Section 4 for each vote, with proof of how and when it was sent.

Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners must be maintained for one year from the date of the election, vote, or meeting to which the document relates, under § 718.111(12)(a)12., Fla. Stat. The association will retain the records listed above for [choose: one year, the statutory floor / a longer period the board selects, for example seven years to match the general official records period in § 718.111(12)(b), Fla. Stat.].

Records held by the vendor are the association's records. The engagement with the vendor must require the vendor to deliver a complete copy of the association's voting records on request and on termination, in a format the association can read without the vendor's software.

Inspection. Records relating to voting are subject to unit owner inspection under § 718.111(12), Fla. Stat., except as that section itself restricts. The board directs [management company or designated officer] to confirm with counsel, before responding to an inspection request touching election ballots, what must be produced and what must be withheld to preserve the ballot secrecy required by Section 8.

Required as to the one-year floor. Decision 6 is who holds the records, and the vendor clause is the practical half of it.

Section 12. Owner petition to adopt or expand electronic voting

If at least 25 percent of the voting interests of the condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The board must receive the petition within 180 days after the date of the last scheduled annual meeting. See § 718.128(6), Fla. Stat.

The association will date-stamp any petition on receipt, and [management company or designated officer] will notify the board president within [2] business days. The 21-day clock runs from receipt, not from the next regularly scheduled board meeting.

Required in substance if you want the association to actually catch a petition. The statute imposes the deadline whether or not your resolution mentions it. Putting the intake step in writing is what makes the deadline survivable.

Section 13. Administration, and what the board does not delegate

The board designates [name, title, or “the association’s manager”] to administer online voting under this resolution, including collecting consents and opt-outs, coordinating with the vendor, and preparing the records required by Section 11.

The following are not delegated and remain with the board or with the persons the bylaws designate:

- determining whether a person is eligible to be a candidate or to vote;
- certifying the result of a vote;
- deciding any challenge to a ballot; and
- deciding whether to suspend online voting under Section 3.

The vendor is a service provider. The vendor does not determine eligibility, does not certify results, and does not resolve disputes.

Cost. The cost of the online voting system is a common expense, payable as the budget provides. The association will not charge a unit owner a fee to vote online, to consent, or to opt out.

The no-fee line is a board policy choice, not a statutory quotation. It is here because a charge for the online channel would sit badly next to the association’s obligation under § 718.128(4), Fla. Stat., to honor an owner’s request to vote electronically at all subsequent elections. Ask counsel before removing it.

Section 14. Relationship to email ballots under section 718.128(7)

Section 718.128(7), Fla. Stat., provides an alternative for associations that have not adopted electronic voting under subsections (1) through (6): the association must designate an email address to receive electronically transmitted ballots, and those ballots must carry, among other things, a capitalized statement, in a font size larger than any other font size used in the association’s email, telling the owner that transmitting a completed ballot by email waives the secrecy of that ballot.

On the effective date of this resolution, the association has adopted electronic voting under subsections (1) through (6), and subsection (7) no longer supplies the association’s electronic voting method. The association will [choose one: retire the designated email-ballot address and say so in the next notice to owners / continue to accept email ballots at [address] as a separate accommodation, subject to counsel’s advice on how the two paths interact].

The board should not run both paths for the same vote without asking counsel. The two have different secrecy consequences, and an owner who uses the email path in a board election waives the secrecy that Section 8 of this resolution is built to protect.

This section exists because the corpus and common practice both blur the two paths. Read § 718.128(7), Fla. Stat., in full before choosing an option.

Section 15. Interpretation, amendment, and effective date

Governing documents control where they are stricter. This resolution supplements the declaration, the articles of incorporation, and the bylaws. Where a governing document imposes a stricter requirement than chapter 718, Fla. Stat., permits the association to keep, the stricter requirement applies. Where this resolution conflicts with chapter 718, Fla. Stat., the statute applies and the conflicting provision is severed without affecting the rest.

Amendment. The board may amend or repeal this resolution at a board meeting noticed under § 718.112(2)(c)1., Fla. Stat., with the agenda item specifically identifying the amendment or repeal. An amendment does not take effect for a vote whose first notice has already been sent, and a repeal does not retroactively invalidate a ballot already cast.

Effect of repeal on consents. If the board repeals this resolution, every consent given under Section 5 ends on the effective date of the repeal, and the association will notify each consenting owner in writing or electronically within [10] days.

Effective date. This resolution takes effect [date], and the association will not conduct an online vote before the vendor attestation required by Section 3 is in the official records.

Adoption and certification

Adopted at a meeting of the board of directors of [Association legal name] held on [date], notice of which was posted conspicuously on the condominium property at [posting location] beginning at [time] on [date], at least 48 continuous hours before the meeting, and which specifically identified this resolution as an agenda item.

Director	Vote
[Name], [title]	[For / Against / Abstain]
[Name], [title]	[For / Against / Abstain]
[Name], [title]	[For / Against / Abstain]
[Name], [title]	[For / Against / Abstain]
[Name], [title]	[For / Against / Abstain]

Result: [adopted / not adopted] by a vote of [x] for, [y] against, [z] abstaining.

I certify that I am the [Secretary] of [Association legal name] and that the foregoing is a true and correct copy of a resolution adopted by its board of directors at a duly noticed meeting held on [date], and that this resolution has not been amended or repealed as of the date below.

[Signature] [Printed name], [Secretary] Date: [date]

Exhibit A. Unit owner consent to online voting

[Association legal name]

Section 718.128, Fla. Stat., lets this association run votes through an online voting system if you consent. Your consent lasts until you opt out. You can opt out at any time using the form the association provides, and you will get a paper ballot for every vote after that.

Unit

- Unit or address: []
- Owner name as it appears on the association's roster: []
- Mailing address: []
- Daytime telephone: []

Consent 1: online voting (required if you want to vote online)

- ☐ I consent to vote through the association's online voting system for [] board elections and [] all other unit owner votes.
- Email address or account identifier to use for voting: []

Consent 2: notice by electronic transmission (separate, and optional)

- ☐ I consent to receive notice of association meetings by electronic transmission under § 718.112(2)(d)7., Fla. Stat., at the email address below. I understand I may withdraw this consent in writing at any time.
- Email address for notices: []

You may give either consent without the other. Consenting to online voting does not change how you receive notices, and consenting to electronic notice does not enroll you in online voting.

If your unit has more than one owner. A unit has one vote. If a voting certificate is on file for this unit, the person named on it signs below. If no voting certificate is on file, follow the instruction in Section 5 of the association's electronic voting resolution.

Signature

- Signature: []
- Printed name: []
- Date: []

Return to: [Association or management address, and, if the association accepts electronic consent, the URL or email address]

Association use only: received [date] by [initials]; recorded in the voting consent register [date]; acknowledgment sent [date].

Exhibit B. Unit owner opt-out of online voting

[Association legal name]

Use this form to stop voting online. You will receive a paper ballot for every unit owner vote after your opt-out takes effect. Opting out does not affect your right to notice, to attend a meeting, to speak on designated agenda items, or to vote by any other method the governing documents and chapter 718, Fla. Stat., allow.

Unit

- Unit or address: []
- Owner name: []
- Mailing address for paper ballots: []

Opt-out

- ☐ I withdraw my consent to vote through the association's online voting system.
- ☐ I also withdraw my consent to receive notice by electronic transmission. (Optional. Leave unchecked to keep receiving notices by email.)

When it takes effect. An opt-out the association receives on or before [deadline stated in Section 6 of the resolution] applies to the pending vote. One received after that date applies to the next vote.

Signature

- Signature: []
- Printed name: []
- Date: []

Return to: [Association or management address, and, if the association accepts electronic opt-out, the URL or email address]

Association use only: received [date] by [initials]; consent register updated [date]; acknowledgment sent [date]; paper ballot list updated [date].

Exhibit C. Notice to unit owners of the opportunity to vote online

[Association legal name] [Date]

The board has adopted online voting. Here is how to use it, and how to decline it.

On [date], the board of directors adopted a resolution authorizing an Internet-based online voting system under § 718.128, Fla. Stat. The system will be used for [board elections / board elections and other unit owner votes].

Voting online is your choice. Nothing changes for you unless you consent. If you do nothing, you will keep receiving paper ballots exactly as you do now.

To vote online. Return the consent form enclosed as Exhibit A, or consent electronically at [URL or email address]. To vote online in a particular election or vote, the association must receive your consent by [deadline], which will also be stated in the notice for each vote.

Your consent lasts until you end it. Once you consent, the association must honor your request to vote electronically at every later election unless you opt out.

To stop voting online. Return the opt-out form enclosed as Exhibit B, or opt out at [URL or email address]. There is no penalty and no fee, and you go back to paper ballots.

Before each vote, we will check that your device can reach the system. At least 14 days before the voting deadline, you will receive a confirmation link. If it does not work, contact [name, telephone, email] and we will help or send you a paper ballot.

Board elections stay secret. The system permanently separates identifying information from the election ballot, so no one at the association can tie a board election ballot to the owner who cast it.

Electronic notice is a separate choice. Consenting to online voting does not change how you receive meeting notices. If you also want notices by email, check the second box on the consent form.

Questions: [name, title, telephone, email]

The full resolution is available on request and [is posted on the association's website at [URL] / is available at the management office].

Exhibit D. Vendor attestation of system capabilities

To: the board of directors of [Association legal name] From: [Vendor legal name] System: [Product name and version] Date: [Date]

[Vendor legal name] provides the online voting system identified above to the association. The undersigned, on behalf of the vendor, attests that the system:

1. Authenticates the unit owner's identity.
2. Authenticates the validity of each electronic vote so that the vote is not altered in transit.
3. Transmits a receipt from the online voting system to each unit owner who casts an electronic vote.
4. For elections of the board of administration, permanently separates any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner.
5. Stores and keeps electronic votes accessible to election officials for recount, inspection, and review purposes.
6. Provides each unit owner a method to authenticate identity to the system.
7. For elections of the board, provides a method to transmit an electronic ballot that ensures the secrecy and integrity of each ballot.
8. Provides a method by which a unit owner can confirm, at least 14 days before the voting deadline, that the owner's electronic device can successfully communicate with the system.

The vendor will notify the association in writing within [5] business days if any statement above ceases to be accurate, including after a software update.

The vendor will deliver to the association, on request and on termination of the engagement, a complete copy of the association's voting records, including ballots, tabulations, and activity logs, in a format the association can read without the vendor's software.

- Signature: []
- Printed name and title: []
- Date: []

Place this attestation in the association's official records before the first online vote.

Adoption checklist

- ☐ Board decided the six items in "Before you adopt"
- ☐ Vendor selected and Exhibit D signed and filed
- ☐ Board meeting notice posted, specifically identifying the resolution as an agenda item, at least 48 continuous hours before the meeting
- ☐ Resolution adopted at an open board meeting, each director's vote or abstention recorded in the minutes
- ☐ Signed and certified copy placed in the official records
- ☐ Exhibit C sent to every unit owner, with proof of how and when it was sent
- ☐ Consent register opened, with a field for the date each consent was received
- ☐ Opt-out intake tested end-to-end, including the electronic path
- ☐ Device confirmation method built and scheduled to run at least 14 days before each voting deadline
- ☐ Petition intake procedure written down: date-stamp, notify president within two business days, board meeting within 21 days
- ☐ Records retention set to at least one year for voting records, and the vendor obligated to hand records back
- ☐ Counsel has reviewed the completed resolution against this association's declaration and bylaws

What this template deliberately does not do

Common practices left out on purpose, so a reviewer can see the omissions were choices.

Practice seen in circulating resolutions	Why it is not here
A resolution that authorizes online voting and then says procedures "will be established by the board"	Section 718.128(4), Fla. Stat., requires the resolution itself to establish reasonable procedures and deadlines for consent and for opting out
Treating an owner's email address in the association's records as consent to vote online	Section 718.128 requires the owner to consent, electronically or in writing, to online voting.

Practice seen in circulating resolutions	Why it is not here
	Holding an email address is not consent
Treating consent to online voting as consent to electronic notice	Section 718.112(2)(d)7., Fla. Stat., conditions notice by electronic transmission on its own consent
Consent that expires annually and must be renewed	Section 718.128(5), Fla. Stat., makes consent valid until the owner opts out. An expiry clause conflicts with the association's duty under subsection (4) to honor the request at all subsequent elections
An opt-out window that closes permanently, or an opt-out that requires board approval	Subsection (4) contemplates procedures and deadlines for opting out, not a gate on the right itself
A fee for voting online, or for a paper ballot after opting out	The association must honor the owner's request to vote electronically at subsequent elections, and an owner who opts out is exercising a right the statute gives. Charging for either sits badly against both
A resolution that mixes the § 718.128(7) email-ballot path into the online voting path without addressing secrecy	Subsection (7)(c)3. requires the association's email to tell the owner in capitalized text that emailing a completed ballot waives ballot secrecy. Board elections under subsections (1) through (6) are built to preserve it
Language letting the board add a question at the meeting when quorum was reached electronically	Section 718.128(3), Fla. Stat., bars a substantive vote on any issue other than the issues specifically identified in the electronic vote
Reliance on a vendor's marketing page as proof of the five system capabilities	Subsection (2) is a set of requirements on the association's use of the system. A signed attestation in the official records is what an association can produce later
Citing a specific Florida Administrative Code election rule number from memory	Section 718.112(2)(d)5.a., Fla. Stat., directs the division to adopt voting procedure rules, including rules on ballot secrecy. Check the current rule text before citing a number

Statutes cited

Citation	What it supplies here
§ 718.128, Fla. Stat.	Electronic voting. The whole authorization, the system requirements, the consent and opt-out mandate, the quorum rule, the 25 percent petition, and the email-ballot alternative
§ 718.128(1)(a) through (c), Fla. Stat.	What the association must provide each owner: identity authentication, secret and intact ballot transmission for board elections, and the device confirmation at least 14 days before the voting deadline
§ 718.128(2)(a) through (e), Fla. Stat.	The five capabilities the system must have, including permanent separation of identity from a board election ballot
§ 718.128(3), Fla. Stat.	Electronic voters count toward quorum, and no substantive vote outside the issues specifically identified in the electronic vote
§ 718.128(4), Fla. Stat.	The board resolution requirement, owner notice of the opportunity, and the consent and opt-out procedures and deadlines
§ 718.128(5), Fla. Stat.	Consent is valid until the owner opts out
§ 718.128(6), Fla. Stat.	25 percent petition, board meeting within 21 days, petition received within 180 days after the last scheduled annual meeting
§ 718.128(7), Fla. Stat.	Designated email address for ballots where electronic voting has not been adopted, and the capitalized ballot secrecy waiver statement
§ 718.128(8), Fla. Stat.	Applies to any matter requiring a unit owner vote, for owners who are not members of a timeshare condominium association
§ 718.111(1)(b), Fla. Stat.	Directors may not vote by proxy or secret ballot at board meetings, except that officers may be elected by secret ballot; each member's vote or abstention is recorded in the minutes
§ 718.111(12)(a)12., Fla. Stat.	Ballots, sign-in sheets, proxies, and all other papers and electronic records relating to owner voting are kept one year from the date of the

Citation	What it supplies here
	election, vote, or meeting
§ 718.111(12)(b), Fla. Stat.	General official records retention, seven years for records not otherwise specified
§ 718.112(2)(c)1., Fla. Stat.	Board meeting notice posted at least 48 continuous hours before the meeting, specifically identifying all agenda items, and the video-conference notice contents
§ 718.112(2)(d)5.a., Fla. Stat.	Board election notice schedule, the bar on one owner voting another's ballot, and the division's authority to adopt ballot secrecy rules
§ 718.112(2)(d)7., Fla. Stat.	Notice by electronic transmission requires the owner's consent to receive notice that way

Section numbers and text were verified against the Common Elements statute corpus on 2026-08-19. Florida amends chapter 718 most years, often effective July 1. Confirm the current text at leg.state.fl.us before adopting.

Disclaimer

This template is a starting point, not legal advice, and using it does not create an attorney-client relationship. Your association's declaration, articles, and bylaws control, and they may require more than § 718.128, Fla. Stat., does. Where a governing document is stricter and Florida law permits the stricter term, the governing document wins.

Every statutory reference here was checked against the Common Elements statute corpus on 2026-08-19. Florida amends chapter 718 most years, usually effective July 1, and the division's election rules change on their own schedule. A citation that was right when this was written can be wrong by the time you adopt it.

Have Florida counsel review the completed resolution against your specific documents before the board votes on it. An electronic voting resolution that misses a requirement of § 718.128(4), Fla. Stat., is the kind of defect that surfaces after a contested election, when it costs the most to fix.