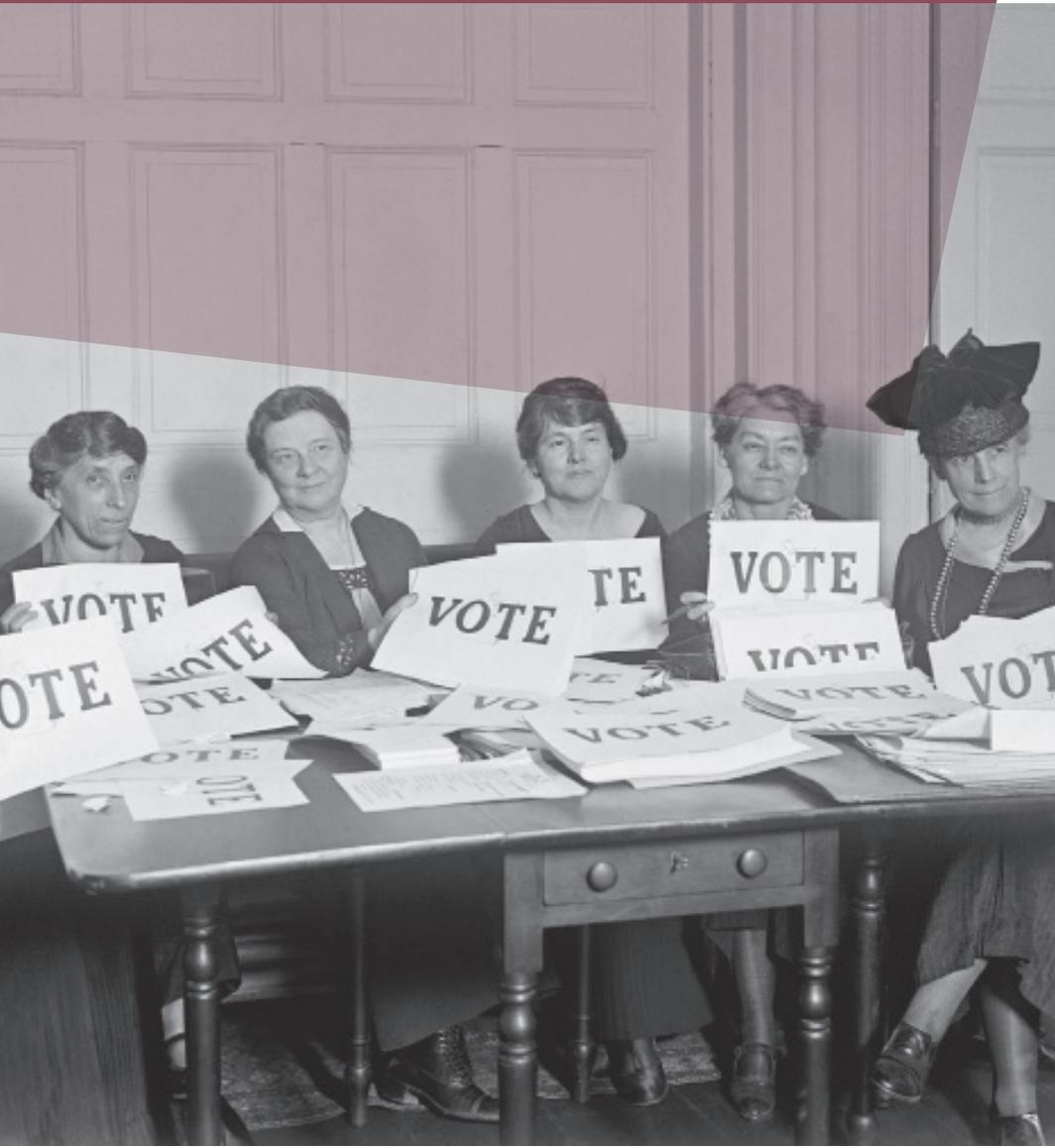


ELECTRONIC VOTING FOR CONDOMINIUM CORPORATIONS

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ELECTRONIC VOTING FOR CONDOMINIUM CORPORATIONS

Many condominium corporations have now started to pass Electronic Voting by-laws to allow owners to vote on-line rather than having owners' complete proxy forms if owners are unable to attend a meeting. By implementing electronic voting, boards and managers are finding much greater participation from owners and solicitation of proxies and proxy manipulation are gone.

If you haven't implemented an Electronic Voting by-law, you should put that in place right away. Electronic Voting by-laws only require a vote of a majority of the units represent by person or proxy at a meeting and NOT a majority of the voting units in the corporation, so this is something that is achievable for all condominium corporations. Once the bylaw is registered you NO LONGER NEED PROXIES.

So, what is the next step after the Electronic Voting by-law is registered? The answer: start getting ready to do Electronic Voting at your next owners meeting.



THE VOTING PROCESS

1. Owners will now need to know that they can vote on-line and no longer are required to complete proxies. The Condominium Act does not require that a proxy form be used or circulated by management or the board, so revise your notice packages to include information about the process of electronic voting and remove references to proxies. Although, owners are permitted to complete a proxy and you will need to accept them if they are provided prior to or at the meeting, once owners start doing electronic voting, management may find that there are very few, if any, proxies received.

Remember, electronic voting counts towards quorum and owners have the option (similar to a proxy) to have their electronic ballot counts towards quorum only or they can vote on an issue and the election of directors.

2. Step Two: Choose your on-line voting service provider: Remember this is a new process for voting for condominium corporations in Ontario. When choosing a provider consider the following:
 - a. Do they have experience with condominium corporations and associations?
 - b. How long have they been providing those services?
 - c. Do their staff understand Ontario condominium law and condo management responsibilities?

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- d. What services are provided? When looking at prices find out whether the price is “self-service” or full service. For condo managers, having the self-service option will more than likely not work. We all know the many new added responsibilities that condo managers now have- the last thing a manager needs is to be burdened with is trying to learn how to operate on-line voting using a self-service option. In our experience, most are opting for the full-service option.
 - e. Make sure that you are using a provider that does on-line voting and not electronic proxy voting. The idea here is to make things more streamlined, cost effective and easier for management and the board. Remove the need for proxies and your manager will be freed up to do more important tasks.
 - f. Does your service provider help with revising your notices and provide wording and guidance to you? You will definitely need this the first time around. See what the full-service option includes.
3. Step Three: Designate who will work with the service provider. This person will be required to provide owner emails, approve the set up of the ballot, determine the start and end date of the vote and answer a list of questions that the service provider will ask at the start.

Since it may take a day or so to coordinate this, start the process now so you are ready to go when your next meeting is scheduled.

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4. Step Four: Notice goes out and voting starts. The service provider should be giving the designated person ongoing reports and coordinating ongoing messaging to owners, to ensure that the vote is successful and quorum is reached well before the meeting date.

 5. Step Five: Registration at the meeting. Depending when you have decided to cut off the time for electronic voting, a final report will be provided by the service provider to the designated person at the cut off time. The report will show who has voted and what the total count is for each item. Since the ballot will be a secret ballot, the designated person will not be able to see how each owner has voted but only the total votes for each item and total votes for each candidate where there is an election.

The report forms the electronic ballot and record that must be kept for 90 days in accordance with the Condominium Act. After that point, the report can be destroyed similar to paper ballots and proxies.

Of course, since electronic voting is new to condo managers and directors in Ontario and as a result it is sometimes difficult to let go of the “old” voting process and the use of proxies.

But speak to those who have now started electronic voting and you should be quickly convinced that this is the way to go for your next owners’ meeting. You owe it to your owners and, of course, the people who do most of the work at those meetings, your management team.

For more information about electronic voting visit CondoVoter.com

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We are committed to helping our clients make informed decisions and create strategies to successfully resolve condo issues.

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