

Venetian Isles Homeowners Association, Inc.

St. Petersburg, Florida

Updated 2015-03-31

Voting Procedures for Amendments to the Declaration of Restrictions and Protective Covenants

The Homeowners Association proposes to amend the Declaration of Restrictions and Protective Covenants ("Deed Restrictions"), by ballot. The following procedures shall apply to each round of balloting.

1. Names to be used in Addressing the Ballot Document

- A. In general, the ballot associated with a property eligible to vote will be addressed to the person(s) shown as owner(s) in the Pinellas County Property Appraiser's online records.
- B. If a property is owned by a corporation, the ballot will be addressed to the corporation.
- C. If the property is owned by a trust, and the name of the trust can be determined, the ballot will be addressed to the trust.
- D. If the property is owned by a trust, and the name of the trust cannot be determined from Property Appraiser's records, the ballot will be addressed to the named trustee(s).
- E. Not more than two names will be used in addressing the ballot.

2. Number of Signatures Required

- A. Only one owner's signature is required to make a ballot valid.
- B. If a property is owned by more than one person, additional owners' signatures may be affixed, but they are not required.
- C. If a ballot is signed for a corporation or a trust, the signer avers authorization to sign; the Association will not require any further proof of authorization, unless the authenticity of the signature is questioned before the end of the audit under Paragraph 9.

3. Proof of Signing Authority

- A. Except as noted in 2.C., no proof of signing authority will be required.

4. Voting Period

- A. The voting period for balloting will be 60 days, unless otherwise extended by the Board of Directors, and will begin on the earliest day on which revisions ballots are initially mailed or otherwise delivered to lot owners.
- B. A ballot received by the Association by hand delivery after the end of the voting period will be invalid.

C. A ballot received by the Association by mail after the end of the voting period will be valid, provided the ballot envelope or postcard was postmarked before the end of the voting period.

5. Marginalia

A. Information added to the ballot or signature document, in addition to signatures, dates and vote marks will not invalidate the ballot, unless such information places a condition on the vote or obscures the intent of the voter.

6. Change of Property Ownership during the Voting Period---keeping track of new owners is important during the voting period.

A. If a property's ownership changes during the voting period, and the original owner(s) had submitted a valid ballot, the new owner(s) may submit a ballot and, if the ballot of the new owner(s) is valid, the ballot of the original owner(s) will be **not** be counted.

B. If a property's ownership changes during the voting period, and the original owner(s) had submitted a valid ballot, and the new owner(s) fails to submit a ballot or submits an invalid ballot, the ballot of the original owner(s) **will** be counted.

7. Withdrawal of Ballot

A. The signer of a ballot that had been cast may withdraw the ballot by making a request to the Secretary of the Association before the end of the voting period.

B. If the owner wishes to submit another ballot, subsequent to a valid withdrawal request, the owner shall request a ballot from the Secretary of the Association. A re-voted ballot shall be accepted, provided that the ballot is cast within the voting period.

8. Vote Counting by the Tabulation Committee

A. The Association shall appoint a Tabulation Committee, in accordance with Section VII 2 of the Bylaws, consisting of Association members who are not members of the Board of Directors, or any subordinate committee having prepared the amendment, or the Ballot Audit Committee.

B. The Tabulation Committee will receive the ballots directly from the voter by one of several means and shall count and tabulate the ballots according to the following:

(1) Ballots will be opened (if sealed) and viewed by the Committee only; all documents of the ballot packages will be retained, including envelopes, if any;

(2) Signatures will be checked against the spreadsheet of ownerships provided by the Association;

(3) Ballots will be reviewed for marginalia in accordance with these Procedures;

(4) Votes will be recorded in the electronic spreadsheet provided by the Association;

(5) At least one "hard" (paper) copy of the completed tabulation spreadsheet will be prepared, to be retained with all other voting materials.

- C. Following completion of the audit by the Ballot Audit Committee under Item 9 below, and after any corrections to the tabulation required under said audit, the Tabulation Committee shall report the results to the Association's Board of Directors.

9. Audit of the Voting Results

- A. The Association shall appoint a Ballot Audit Committee, in accordance with Section VII 2 of the Bylaws, consisting of Association members who are not members of the Board of Directors, or any subordinate committee having prepared the amendment, or the Tabulation Committee.
- B. The Audit Committee will receive the ballots and their tabulation from the Tabulation Committee and shall audit the ballot count according to the following:
 - (1) Ballot will be examined for signature, for marginalia, and for accurate tabulation of votes on the tabulation spreadsheet prepared by the Tabulation Committee;
 - (2) Any difference between a finding by the Tabulation Committee and by the Ballot Audit Committee will be resolved before completion of the audit;
 - (3) Upon completion of the audit, all ballot and tabulation documents, together with the results of the audit, will be returned to the Tabulation Committee.
- C. Concurrently with the report required under Paragraph 8.C, the Audit Committee shall deliver a report on the audit to the Association's Board of Directors.

10. Ballot Security

- A. The Tabulation Committee and Ballot Audit Committee are commissioned to perform their duties without discussing results, except as provided in Items 8.C, 9.C and 10.B.
- B. From time to time during the voting period, the Chairman of the Tabulation Committee will report to any Board Member upon request, a current (unaudited and unofficial) tabulation of the vote, the number of ballots that had been received to date, and may also report the names of owners who hadn't voted.
- C. Upon completion of their duties under Item 8 herein, the Tabulation Committee shall seal the containers of the ballot and tabulation documents and deliver the containers to the Association secretary for storage for a period of not less than five years. No container will be opened after delivery to the Secretary except by Court Order.
- D. No copies of ballot or tabulation documents, either print or electronic, will be retained by the members of the Tabulation Committee or the Ballot Audit Committee.

Linda Testa
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