

## ELECTRONIC VOTING BY-LAW

### ● CONDOMINIUM CORPORATION NO. ● (THE “CORPORATION”)

### BY-LAW NO. ●

### A BY-LAW AUTHORIZING ELECTRONIC VOTING BY UNIT OWNERS

#### RECITALS:

- (a) **WHEREAS** Subsection 52(1)(b)(iii) of the *Condominium Act, 1998* (the “**Act**”) authorizes voting at meetings of unit owners by a recorded vote that is indicated by telephonic or electronic means, if the by-laws so permit;
- (b) **AND WHEREAS** Subsection 52(1.1) of the Act defines “telephonic or electronic means” as any means that uses the telephone or any other electronic or other technological means to transmit information or data, including telephone calls, fax, e-mail, automated touch-tone telephone system, computer or computer networks;
- (c) **AND WHEREAS** Subsection 56(1)(c.1) of the Act provides that the board of directors may authorize, by by-law, the methods permitted for holding a recorded vote;
- (d) **AND WHEREAS** Subsection 14(0.1)(p) of Ont. Reg 48/01(the “**Regulation**”) provides that the board of directors can pass a by-law “to govern the manner in which an owner or a mortgagee may be present at a meeting of owners or represented in proxy”;
- (e) **AND WHEREAS** pursuant to Subsection 56(10)(a) of the Act and Subsection 14(0.1)(2) of the Regulation this By-law can be passed by the majority of owners present or represented by proxy at a meeting of owners;
- (f) **AND WHEREAS** the board of directors have determined it is desirable to permit owners to vote by electronic means;

#### NOW THEREFORE BE IT ENACTED as a By-law of the Corporation as follows:

1. Notwithstanding any provision in the Corporation’s by-laws with respect to the methods permitted for holding a vote or a recorded vote, votes for all questions proposed for consideration of the owners at a meeting of owners may be cast by a show of hands, personally or by proxy, or a recorded vote that is: (i) marked on a ballot cast personally or by a proxy; (ii) marked on an instrument appointing a proxy; or (iii) indicated by telephonic or electronic means if the Corporation makes available to owners a medium by which owners are able to cast a recorded vote by telephonic or electronic means (the “**e-voting system**”).
2. Votes cast by electronic voting shall be deemed a ballot (the “**e-ballot**”) for the purpose of any vote conducted at the meeting for which the e-ballot was cast.

# condovoter

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3. All question(s) proposed for consideration through the e-voting, will provide the opportunity to vote in favour or against such question(s) and/or in favour of each candidate for election to the board of directors.
4. The e-ballot is valid only for one meeting of the owners (and any adjournment of the meeting) and expires automatically after the completion of the meeting of owners (or completion of the adjourned meeting, as applicable).
5. Only an owner of a unit may cast an e-ballot and the e-voting system does not authorize another person to cast votes on behalf of an owner.
6. The e-voting system shall authenticate the owner's identity.
7. The e-voting system shall authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
8. The e-voting system shall separate any authentication or identifying information of the owner from the e-ballot, rendering it impossible to trace an e-ballot to a specific owner.
9. The e-voting system shall produce an electronic receipt for each owner who casts an e-ballot, which shall include the specific vote cast, and the date and time of submission (the "**Receipt**"). The e-voting system will retain an electronic record of the time and date an owner casts the e-ballot.
10. An electronic report automatically generated by the e-voting system which tabulates votes may be relied upon and counted by the scrutineers and/or chairperson at a meeting of owners for the purpose of tabulating votes for all questions that were the subject of an electronic vote (the "**Electronic Voting Record**").
11. The Electronic Voting Record shall be deemed to be a ballot for the purpose of the Corporation's obligation to maintain records in accordance with the Act.
12. An owner who casts an e-ballot shall be counted towards quorum as if such owner were present at the meeting.

DATED at Toronto, on ●

● CONDOMINIUM CORPORATION NO. ●

Per: \_\_\_\_\_  
Secretary

Per: \_\_\_\_\_  
President

I/we have authority to bind the  
Corporation.