

**HUNTERSGREEN CLUSTER HOMEOWNERS ASSOCIATION**  
**POLICY RESOLUTION 20 – 02**  
**(Electronic Voting Policy)**

**WHEREAS**, Article VII, Section VII.2(b)(1) of the First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston and Article IV, Section 1 of the Bylaws of the Hunters Green Cluster Homeowners Association (“Association”), provides that the Board of Officers (“Board”) of the Cluster Association, shall have the authority to establish reasonable rules upon proper notice; and

**WHEREAS**, Article I, Section I.1(bb)(2) of the First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston, defines “notice” as delivered or mailed to the last known address of the member, to include electronic notice; and

**WHEREAS**, Article III, Section 7 of the Bylaws authorizes the Board to make such regulations as they deem advisable for any meeting of Members in regard to proof of Membership in the Association, evidence of the right to vote, the appointment and duties of inspectors of votes, and such other matters concerning the conduct of the meeting as they shall deem fit; and

**WHEREAS**, Section 13.1-847 of the Virginia Non-stock Act provides that a Member , entitled to vote may vote in person or by proxy unless the Governing Documents state otherwise and the Governing Documents of the Association do not prohibit voting by proxy; and

**WHEREAS**, Section 13.1-847 of the Virginia Non-stock Act provides that an appointment of proxy is effective when a signed appointment form or an electronic transmission of appointment is received by the inspectors of election or the office authorized to tabulate votes; and

**WHEREAS**, Section 13.1-849 of the Virginia Non-stock Act provides that that once a member is represented for any purpose at a meeting, either in person or by proxy, the member is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that mattering; and

**WHEREAS**, Section 55.1-1832 (A) of the Virginia Property Owners’ Association Act (“Act”) permits the use of electronic means for the purpose of voting, sending notice, obtaining consents and other items delineated therein, unless the Association’s Declaration provides otherwise; and

**WHEREAS**, Section 55.1-1832 (D) of the Act states that unless the Association’s Declaration expressly provides otherwise, the Association may conduct voting via electronic transmission provided that a record is created as evidence thereof and maintained as long as such record would be required to be maintained in non-electronic form;

**WHEREAS**, Section 55.1-1832 (F) of the Act states that if any person does not have the

capability or desire to conduct business using electronic transmission, the Association is required to make a reasonable accommodation to such person, at the Association's expense; and

**WHEREAS**, the Uniform Electronic Transactions Act has been adopted in Virginia and Section 59.1-486 of the Virginia Code requires an electronic signature that is unique to the signer, capable of verification, under the signer's sole control, linked to the record in such a manner that it can be determined if any date contained in the record was changed subsequent to the electronic signature being affixed to the record and created by a method appropriately reliable for the purpose for which the electronic signature was used; and

**WHEREAS**, the Board determined that the Declaration of the Association does not otherwise prohibit the Association from adopting procedures for the adoption of electronic voting methods and the Board deemed it to be in the best interest of the Association to do adopt such procedures; and

**WHEREAS**, the Board wishes to modify any previously adopted procedures relative to elections, electronic voting and ballots.

**NOW THEREFORE, BE IT RESOLVED THAT** the following electronic voting procedures are hereby established and adopted by the Board of Directors:

A. Notice of meetings of the Association shall be sent to the membership in accordance with the Bylaws and the Act. The notice will be sent at least 10 days in advance of the meeting and provide the date, time and location of the meeting. In the case of a special meeting, the purposes for which the meeting is called, and the procedures for conducting electronic voting. The notice will also contain instructions to vote via a paper proxy/ballot for those Owners of a "Lot" who chose to do so.

B. Only one vote will be accepted per Lot.

C. Any Member in good standing may be designated as a proxy on behalf of another Member for purposes of representation for quorum and voting. Proxies must be designated in writing. The Association can appoint a default designated proxy if one is not designated.

D. Electronic votes made via a provided Annual Meeting Proxy Paper Form with appointments of proxy, must be signed or they will be deemed invalid, whether submitted by mail, dropped off or copies sent by email.

E. The Board reserves the right to retain and use a third-party vendor to conduct the electronic voting on behalf of the Association. In the event that such a vendor is used to facilitate electronic voting, that vendor must have procedures in place to ensure that votes cast electronically originated from a registered Owner of a Lot within the Association. If such a vendor is not retained by the Board, the Board may proceed with allowing electronic voting pursuant to this policy.

F. Electronic proxy votes and paper proxy ballots may be cast until the voting deadline detailed in the Annual Meeting Proxy Paper Form notice. Votes by paper proxy ballots must be mailed, dropped off or emailed to the addresses listed on the proxy and ballot form, with all required information filled out properly, and received by the voting deadline. Any paper

proxy ballot or electronic proxy ballot received after the voting deadline shall not be counted. If the meeting is virtual, paper proxy ballots may also be hand delivered to a designated officer of the Board prior to the voting deadline. At an in-person meeting, paper ballots will be issued at the meeting for in-person attendees. Consequently, owners may cast their votes in any of the following ways in accordance with this policy: (1) via the proxy and ballot form, submitted by postal mail; (2) via the proxy and ballot form submitted in PDF format by email; (3) via the proxy and ballot form hand delivered to a designated Board officer (if the meeting is virtual); or (4) in person at a membership meeting.

G. All electronic proxies and ballots shall be kept or stored electronically in a secure manner until the ballots and/or preliminary electronic vote tally has been released to the inspectors of election/Association Secretary for counting or verification. All paper ballots shall be kept in a secure location until the voting deadline as well.

H. Paper ballots and electronic ballots/votes will be counted and recorded. In elections for Officers vote counters shall present all voidable ballots to the inspectors of election for a ruling on the validity of the ballot/vote(s) in question. The vote counters shall certify the preliminary tally once they have verified the accuracy of the votes cast for each candidate.

I. Results of the election, including the vote tally, will be announced by the Board President (or designated chair) at the annual meeting. All other votes shall be announced by the Association in writing to the community after all votes are calculated and counted.

J. All ballots and electronic voting data shall be retained for 1 month after the vote after which time the Board of Directors will make a motion and vote on whether to dispose of the ballots and records as it deems appropriate.

K. These procedures shall be utilized for duly called special meetings of the Association as well.

The effective date of this Resolution shall be September 1, 2020

**HUNTERS GREEN CLUSTER HOMEOWNERS  
ASSOCIATION**

By: \_\_\_\_\_  
Reed Skaggs, President

**FOR ASSOCIATION RECORDS**

I hereby certify that a copy of the foregoing Policy Resolution was distributed to all  
Owners of Hunters Green Cluster Homeowners Association on  
\_\_\_\_\_, 2020.

\_\_\_\_\_  
\_\_\_\_\_(Print Name)

**RESOLUTION ACTION RECORD**

Duly adopted at a meeting of the Board of Directors held \_\_\_\_\_

\_\_\_\_\_.

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	<b>VOTE:</b>			
	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
_____ President	_____	_____	_____	_____
_____ Vice President	_____	_____	_____	_____
_____ Secretary	_____	_____	_____	_____
_____ Treasurer	_____	_____	_____	_____
_____ Director/ Member at Large	_____	_____	_____	_____

Resolution effective:\_\_\_\_\_.