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## Strata Living

Headline: The trouble with secret ballots

Topics: Voting

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**Dear Tony:** We have one owner who always shows up with 50 or so proxies at every meeting. For every decision, she requests a secret ballot, the property manager gives her a ballot with the total number of proxies she has and she controls the outcome of every vote. As a result of this owner, the council are predetermined, the budget never increases and we always vote down any expenses that are routine approvals for maintenance from the contingency fund. How do we stop this problem? Our owners have just stopped showing up because their votes simply don't count.

*Ellie H. Vancouver*

**Dear Ellie:** The Standard Bylaws require that if a secret ballot is requested by an eligible voter, the election of council or any other vote must be held by secret ballot. Secret ballots are essential when there is any intimidation in a strata corporation, or voters are concerned about repercussions of their votes being known. The limitation with bylaw 27 is it allows one eligible voter to impose the tyranny of the minority on the voting quorum and is used to prevent strata communities from making democratic decisions.

If a voter holds more than 50% of the votes at an annual or special general meeting, they are subject to a court challenge and now with the Civil Resolution Tribunal, they are subject to a claim where they may have acted unfairly or exercised the votes in a manner that result in a significantly unfair action, threatened action or and unfair decision. Obviously the newly elected strata council would not challenge the proxy holder as they were elected by the same person, but any single owner is eligible to file a claim with the CRT challenging the voting actions of the proxy holder and the outcome of the decisions.

So what's the solution? Many strata corporations have either amended the standard bylaw so that it requires a majority vote of the owners for a secret ballot, leaves the decision to the discretion of the chairperson, or they have repealed it entirely.

One of the most serious problems of secret ballots is proxy holders will vote however they wish, whether an owner has provided them with instructions or not. Many owners do not realize that when a secret ballot is called, there is no way of knowing how the proxy holder voted on your behalf. The best solution is for owners to stop issuing proxies and show up at meetings to make their own decisions. It might also be interesting to note that if the proxy holder was issued a single ballot with the total number of proxies identified, it is no longer a secret ballot. A secret ballot would require 50 ballots issued for each resolution, and 50 ballots issued for the election of council.