

Strata Living

Headline: Counting ballots

Topic: Voting

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Dear Tony: This may seem like a trivial issue, but at our last Annual Meeting in May, there was an issue over the counting of ballots. When the election of council came up, everyone was requested to complete their ballots and place them in the ballot box. The ballot box was then collected by the property manager and the president of council who went to another room to do the count. With a number of new owners in our building we were certain that there would be some changes in the council; however, when the president returned the same council were announced as elected, we had a quick motion to destroy ballots, the meeting was adjourned and that was the end of business. Over the next few days, several owners started talking about the meeting, and they were all very surprised by the outcomes. The property manager said it was too late to challenge the count as the ballots had already been destroyed. Any suggestions?

Carol M.

Dear Carol: Procedures at general meetings, especially when it comes to counting of ballots must be absolutely transparent. The underlying principle of the *Strata Property Act* is that unless you need a higher voting threshold such as a unanimous voting to change unit

entitlement or a three quarters vote to change a bylaw or for a special levy,

most matters are decided by majority vote. It is within the voting authority of the quorum present in person or by proxy to nominate and elect scrutineers to either watch over the voting procedures or to count and report the votes. A person who has a direct benefit or interest should not be independently counting votes without any scrutiny, and it is not prudent for the ballot box or ballots to leave the room at any time until they are counted. Ballot tampering is an easy opportunity and occurs frequently. If the owners of your strata corporation are questioning the elections, then owners by 25% petition, as required by the Standard Bylaws or as prescribed in your bylaws, may demand a special general meeting to remove council and/or re-elect a new council. Take a moment however to consider the impact on your community if the owners are pitting one group against another. Your strata will likely spend a year in conflict and not protecting your interests; however, if there is a problem, the sooner it is solved the easier the future of your strata operations will be.

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