

HUNTERS POINT PROPERTY OWNERS ASSOCIATION
Policy Resolution: Elections and Voting

Purpose: To provide a process to make voting and the nominations and elections related to the Directors of the Board (the “Board”) for the Hunters Point Property Owners’ Association (the “HPPOA”) as open as possible, the Board hereby establishes the following:

Definitions:

“**Property Code**” means the [State of Texas Property Code, Title 11](#).

“**Articles**” means the [Articles of Incorporation](#) of Hunters Point Property Owner Association.

“**Deed Restrictions**” means the [Revised Deed Restrictions and Covenants](#) for Hunters Point Subdivision.

“**Amendment**” means the [First Amendment](#) to the Revised Deed Restrictions and Covenants of Hunters Point Property Owners Association.

“**Bylaws**” mean the [By-Laws](#) of Hunters Point Property Owners Association.

“**HPPOA**” means the Hunters Point Property Owners Association.

“**Board**” means the Board of Directors serving the Hunters Point Property Owners Association.

“**Owners**” means the property owners owning property within the Hunters Point Subdivision within that certain tract of property described as: 20.1582 acres out of the Abraham Pevehouse Survey, being Abstract No. 423, Montgomery County, Texas.

All other terms defined as provided in the [Property Code Section 209.002](#).

Nominations

1. At least forty-five (45) days prior to the Annual Meeting or Special Meeting, nomination information will be available to all property owners (the “Owners”) via the communication channels as outlined in the [Communications Policy](#). The notice of nominations will include the date by which a nomination must be provided to the then-serving Board.
2. Nominations will be accepted for a minimum of two (2) weeks prior to a notice of election that is sent to the Owners.
3. Nominations will be taken by position number currently under election. Nominations can be made for individual positions, or all positions simultaneously.
4. The Board will confirm with the nominee their interest in and commitment to the nomination. The Board will verify that all qualifications of the nominee are compliant with the [State Property Code](#), [Articles of Incorporation](#) and [Bylaws](#) of the Association. A nominee may only serve if the requirements to serve as outlined in [Property Code Section 209.00591 \(a-3\)](#), [Section 209.00591\(b\)](#) and [Section 209.00505\(c\)](#) are upheld.
5. To give the candidates an opportunity to reasonably communicate their qualifications, each candidate will be given a time frame to submit a summary of their qualifications to the Board. The Summary of Qualifications will be distributed with the Agenda and Notice of the Meeting in which elections are to be held.

Notice

1. Notices of the election will be sent using established [Communication Channels](#) under the Communications Policy.
2. A notice of election will be sent according to [Property Code Section 209.00506\(a\) and 209.0056\(a-1\)](#).

Ballots

1. If there are an equal number of eligible applicants to the number of open positions, the Board will determine that the election is uncontested.
2. If there are more candidates than open positions, all eligible candidates will be placed on the ballot in alphabetical order by last name.
3. Any vote cast will be in accordance with [Property Code Section 209.0058](#).

Voting

1. All votes cast will be in accordance with [Property Code Section 209.0058 and Property Code Section 209.00592\(a\)](#).
2. If there are more nominees on the ballot than open positions, the number of votes cast on each ballot shall match the number of open positions.
3. The Board may choose, upon request by an Owner, to conduct the vote/election as a Secret Election. In the event of a Secret Election, only Owners who are present for the vote are exempt from signing their ballots. Absentee ballots must be signed by the Owners. Secret Ballots are regulated by [Property Code Section 209.0058\(d\)](#).
4. Ballots for elections/votes that are not secret must be signed by Owners.
5. Written and signed ballots are not required for an uncontested election.
6. Electronic votes may be cast and counted according to [Property Code Section 209.0058\(b\)](#).
7. The HPPOA may not bar an Owner from voting in an HPPOA election as provided under guidance [Property Code Section 209.0059](#).
8. Absentee ballots must be held in accordance with [Property Code Section 209.00592](#).
9. Tabulation of votes will be done following the guidance in [Property Code Section 209.00594](#).
10. After the tabulation of votes, the nominees receiving the highest number of votes will be elected to the open position or positions. For example, 3 nominees for 2 positions, the 2 nominees who receive the highest number of votes are elected.
11. Winners of the election will be announced at the Annual Meeting or Special Meeting and then in the next several communications provided to the Owners.

Election Tie(s)

In the event of a tie amongst candidates, the names of the tied candidates will be written on separate pieces of paper by the presiding officer of the Annual Meeting or Special Meeting. The pieces of paper shall be folded by the presiding officer and placed in a container provided by the then-serving Board: the presiding officer will ask for a volunteer Owner from the audience to pick any one piece of paper from the container and the person whose name is picked first shall serve the term at issue, with such process to be followed until all tie(s) are resolved.

Recount of Votes

Any recount of votes will be done according to [Property Code Section 209.0057](#).

Adopted at a Board meeting of the HPPOA on September 21, 2023.

This policy is adopted under the following guidance:

[State of Texas Property Code, Title 11 Restrictive Covenants, Chapter 209, Texas Residential Property Owners Protection Act,](#)

- Section 209.00505, Architectural Review Authority
- Section 209.0055, Voting.
- Section 209.0056, Notice of Election or Association Vote.
- Section 209.0057, Recount of Votes.
- Section 209.0058, Ballots.
- Section 209.0059, Right to Vote.
- Section 209.00591, Board Membership.
- Section 209.00592, Voting, Quorum.
- Section 209.00593, Election of Board Members.
- Section 209.00594, Tabulation of and Access to Ballots, and

Should anything in this policy or procedure conflict or be contrary to the state code, the State Regulations will supersede all other guidance.

Article VI of the [Articles of Incorporation](#) of the Hunters Point Property Owners' Association empowers the Association to elect five (5) Directors to a Board to manage the affairs of the HPPOA; and

Article IV, Sections 1 through 6 of the [Bylaws](#) of the HPPOA outline the purpose, election, term, number of, vacancies, removal, and resignation of Directors; and

Article I, paragraph 1.06 of the [Revised Deed Restrictions and Covenants](#) for Hunters Point Subdivision (Deed Restrictions) allow for designation and terms of Architectural Control Committee (ACC) members; and

Article IV, paragraph 4.02 of the [Deed Restrictions](#) allows for the Board of Directors to be the governing body responsible for the setting and enforcement of rules and regulations; and

The need to establish procedures for the equitable and uniform enforcement of the provisions of the recorded Covenants, Conditions, and Restrictions filed of record in the real property records of Montgomery County, Texas, affecting property located with Hunters Point Subdivision and the Rules and Regulations adopted by the Association.