

Election Rules and Tabulation of Ballots/Proxies for 2019 Annual Meeting

General Election Guidelines

1. State law (Texas Business Organizations Code Sec. 22.103) mandate that if there is a conflict between the bylaws and the restrictions and covenants, the restrictions and covenants will be the governing document.
2. According to our restrictions and covenants, the Association has a single class of voting membership which is the owners of lots within the subdivision. Members are entitled to one vote for each lot owned. When more than one person owns a lot, all are members of the Association and the one vote for each lot shall be cast as the owners determine among themselves.
3. Members, on the date of the meeting who are otherwise eligible to vote, are entitled to vote at the meeting. Associate WCHOA members (those living in areas bordering Willow Creek) are welcome to attend the annual membership meeting, but they are not eligible to vote.
4. Ballots may be distributed to members at the time of meeting sign-in after lot ownership status has been certified or ballots may be distributed just prior to voting.
5. Ballots will indicate how many votes may be cast for each board position being elected (for example, a resident may vote for up to 3 directors, but may only vote for one secretary).
6. A member may vote in person or, by proxy executed in writing. Unless otherwise provided by the proxy, a proxy is revocable and expires 11 months after the date of its execution. A proxy may not be irrevocable for longer than 11 months, pursuant to Texas Business Organization Code (BOC), Chapter 22, Nonprofit Corporations, Section 22.160(c).
7. If the proxy grantor owns more than one lot in Willow Creek Estates, a separate proxy is required for each lot owned.
8. If more than one proxy is given to another member to vote, the member voting the proxies may mark one ballot, and it shall be used to count all of the attached proxies.
9. If there are no contested positions to be filled, then a “motion to accept current slate of candidates by a vote of acclamation” may be made by a member in attendance, seconded, and voted on. When this occurs, then voting by ballot is not necessary.
10. Candidates for election to the Board and/or their family members are restricted from tabulating and/or having access to ballots or proxies before, during or after being cast in such election. Any person who tabulates the votes cast in an election shall be prohibited from disclosing to any individual, all information learned while tabulating member ballots, pursuant to Texas Property Code section 209.0058.
11. The President or his/her designee will oversee the tabulation as to verify lawful election rules are followed. After ballots are tabulated, the tellers tabulating the votes will place the ballots along with a signed tabulation sheet in a sealed envelope that will be maintained according to the established records retention requirements.
12. If a recount is requested, the procedures established in Section 209.0057 of the Texas Property Code shall be followed.

Tabulation of Proxy Ballots

1. Each certified proxy shall be counted as one vote.
2. If one or more proxies are given to another member to vote, the member voting the proxies may mark one ballot and it may be used to count all of the attached proxies.
3. A cover proxy ballot must be signed by the “Proxy Designee.”