

**PANTHER CREEK ASSOCIATION OF HOMEOWNERS, INC.
VOTING, TABULATION OF BALLOTS, AND ACCESS TO BALLOTS POLICY**

STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF COLLIN

WHEREAS the Panther Creek Association of Homeowners, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 209 of the Texas Property Code was amended, to add Sections 209.056, 209.057, 209.058, 209.059, 209.00592, and 209.00594 thereto regarding Voting, Tabulation of Ballots, and Access to Ballots Policy; and

WHEREAS, the Board of Directors ("Board") of the Association desires to establish a policy for voting, tabulation of ballots and access to ballots consistent with the Sections identified above and to provide clear and definitive guidance to property Owners.

NOW, THEREFORE, the Board has duly adopted the following *Voting, Tabulation of Ballots, and Access to Ballots Policy*.

I. NOTICE OF ELECTION OR ASSOCIATION VOTE

A. Notwithstanding anything contained to the contrary in the Declarations or the Association's Bylaw, not later than the 10th day or earlier than the 60th day before the date of an election or vote, the Association shall give written notice of the election or vote to:

- (1) Each Owner of property for an Association wide election or vote.

II. RECOUNT OF VOTES

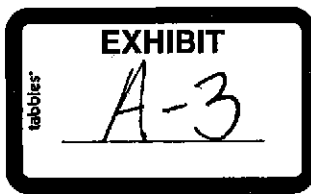
A. Within 15 days of the day of the meeting when the election was held, an Owner may require a recount if the request is submitted in writing either:

- (1) By certified mail or by USPS with signature confirmation to the address in the most recently filed management certificate; or
- (2) In person to the managing agent as reflected in the most recently filed management certificate or to the address where the proxies are mailed.

B. At the Owner's expense, the Association shall retain the services of a person qualified to conduct the recount. The Association shall enter into a contract for the services of a person who:

- (1) Is not a member of the Association or related to a Board member within the third degree of consanguinity or affinity; and
- (2) Is a current or former; County Judge, County Elections Administrator, Justice of the Peace, or County Voter Registrar; or
- (3) A person agreed on by the Association and persons requesting the recount.

C. The recount must be performed on or before the 30th day after the date of receipt of the request and payment for the recount.



- D. If the recount changes the result of the election then the Association has to reimburse the Owner for the costs of the recount.
- E. The Association shall provide the results of the recount to each Owner that requested the recount.
- F. Any action taken by the Board in the period between the initial election vote tally and the completion of the recount is not affected by any recount.

III. BALLOTS

- A. Any vote cast in an election or vote by a member must be in writing and signed by the member.
 - (1) Electronic votes constitute written and signed ballots.
 - (2) In an Association wide election, written and signed ballots are not required for an uncontested race.

IV. RIGHT TO VOTE

- A. A provision in a dedicatory instrument that disqualifies an Owner from voting in the election of Board members or any matter concerning the rights or responsibilities of the Owner is void.

V. VOTING: QUORUM

- A. The voting rights of an Owner can be cast in the following manner:
 - (1) In person or by proxy at a meeting of the Association; or
 - (2) By absentee ballot; or
 - (3) By electronic ballot; or
 - (4) By any method of representative or delegated voting provided by a dedicatory instrument.
- B. Absentee or electronic ballot:
 - (1) May be counted as an Owner present and voting for the purpose of establishing a quorum only for items appearing on the ballot;
 - (2) May not be counted if the Owner attends the meeting to vote in person;
 - (3) Except for the election of directors, may not be counted on the final vote of a proposal if the motion was amended at the meeting to be different from the exact language on the absentee or election ballot.
- C. Solicitation for votes by absentee ballot must include:
 - (1) each proposed action and provides the opportunity to vote for or against each proposal;
 - (2) The following language: "By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals, your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."

- D. Electronic ballot means a ballot given by:
 - (1) Email, facsimile, or posting on an internet website, for which the identity of the Owner submitting the ballot can be confirmed; and
 - (2) The Owner can receive a receipt of the electronic transmission and receipt of the ballot.
- E. If the electronic ballot is posted on an internet website, a notice of the posting shall be sent to each Owner that contains instructions on obtaining access to the posting on the website.

VI. TABULATION OF AND ACCESS TO BALLOTS

- A. A person who is a candidate in an Association election, or who is otherwise the subject of an Association vote, or a person related to that person within the third degree of consanguinity or affinity, may not tabulate or otherwise be given access to the ballots cast in that election or vote. This person or a person besides the one who tabulated the votes may be given access to the ballots cast in the election or vote as part of a recount process authorized by law if selected to conduct a recount under Paragraph II, B herein.
- B. A person, other than a person described above may tabulate votes in an Association election or vote, but may not disclose to any other person how an individual voted.

This Policy is effective upon recordation in the Official Public Records of Collin County, and supersedes any policy regarding voting, tabulation of ballots, and access to ballots which may have previously been in effect. Except as affected by Sections 209.056, 209.057, 209.058, 209.059, 209.00592, . 209.00594, and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.



Officer *William R. Milford*
Title *President*

Panther Creek Association of Homeowners, Inc.