

Whisperwood Home Owner's Association

Board Member Election Policy for January 21, 2025 Annual Members Meeting

Purpose

To outline the procedures and guidelines for the upcoming board member elections scheduled on January 13, 2025.

Requirements

In Texas, Homeowners Associations (HOAs) are governed by the Texas Property Code, particularly chapter 209, also known as the Texas Residential Property Owners Protection Act. When it comes to verifying mail-in and proxy ballots for electing the Board of Directors, the law provides specific guidelines to ensure fairness and transparency.

Key Requirements for Mail-In and Proxy Ballots:

- **Written and Signed:** According to Section 209.0058 of the Texas Property Code, all ballots must be in writing and signed by the property owner to be counted. This signature serves as a verification method to confirm the voter's identity and eligibility.
- **Verification Process:** The HOA is responsible for implementing procedures to ensure that:
 - Only eligible members cast a vote.
 - Each member votes only once per lot or unit owned, unless the governing documents specify otherwise.
 - Ballots are securely collected and counted accurately.
- **Record Keeping:** The association must retain the ballots for a specified period (usually around two years) in case of disputes or reviews. Members generally have the right to review the ballots, except in cases where ballots are cast secretly.
- **Proxy Voting:** If allowed by the HOA's bylaws, members may vote by proxy. Proxies must also be in writing and meeting specific requirements outlined in the governing documents and state law.

- **Election Timeline**

- **Solicitation of Nominations**

- Start Date:** November 18, 2024 (3 weeks)

- End Date:** December 9, 2024

- **Issuance of Ballot Guidelines and Instructions**

- Date:** December 10, 2024

- **Requesting Unique Numbered Ballots**

- Start Date:** December 10, 2024 (3 weeks)

- End Date:** December 31, 2024

- **Ballot Submission Deadline**

- Date:** January 10, 2025

- **Election Day**

- Date:** January 13, 2025

- **Nomination Process**

- Soliciting Nominations

- Members are invited to submit nominations for board member positions between November 18 and December 9, 2024.
 - Nominations must be submitted in writing to the official WHOA post office box by the deadline, or by emailing whoalubbock@gmail.com, or by requesting one through the whoalubbock.org website

- Additional Nominations

- - On January 13, 2025, during the meeting, the President will ask for any further nominations from the floor if a quorum is met. This is not a requirement and is optional.

- **Ballot Guidelines and Instructions**

- **Requesting Ballots**

- Starting December 10, 2024 and ending on December 31, 2024, members can request a unique numbered ballot specific to this election.

- **Receiving Ballots**

- Ballots will be issued by the Board Secretary upon request.

- Ballot Verification Methods

- **Method 1:** Notary

- Members can have their completed ballot notarized by a certified notary public.

- **Method 2:** Photo Verification

- Members can submit their completed ballot with a copy of a valid photo ID for verification.

- **Method 3:** Signature Verification

- In order to utilize this method, a signature must be submitted at time of ballot or proxy request. This allows the HOA to have a “signature on file” to compare against.

- Members can then submit their completed ballot with a signature for verification.

- **Returning Ballots**

- All verified ballots must be submitted to the official WHOA Post Office Box by January 10, 2025.

- **Proxy Voting**

- Assigning Proxies

- Members may assign their vote to another member via proxy.

- Proxy Limits

- Proxies can be specific or general and the proxy owner must make that determination known on the proxy itself.

- **Requesting Proxies**

- Proxies must be requested through the same avenues mail-in ballots must be requested starting on December 10, 2024 and ending on December 31, 2024 .

- **Proxy Verification**

The proxy form must be presented with verification using any of the following methods:

- Notary
- Photo ID Verification
- Signature methods.

Instructions and Tutorials

Detailed instructions on how to assign a proxy vote will be provided to all members.

- **Election Day Procedures**

- **Collection of Ballots**

The Board designated third party will collect all ballots and proxies and hold them securely until January 13, 2025.

- **Quorum Verification**

After in-person voting is complete, ballots and proxies will be counted to determine if a quorum is met before votes are counted.

- **Meeting Opening**

The President will open the meeting and announce whether a quorum has been achieved.

- **Quorum Not Met Procedures**

Adjournment for Additional Ballots

If a quorum is not met but is within 10% of the required number, the meeting may be adjourned temporarily (but not more than 30 days) to allow more ballots to be collected.

- **Continuation of Current Board**

If a quorum cannot be met, the President will ask current board members if they are willing to continue serving.

Positive Response: The meeting will be adjourned.

Negative Response: Further actions will be determined as per the organizations bylaws.

- **Quorum Met Procedures**

- Additional Nominations**

- The President will invite any additional nominations from the floor. If new nominations are made, ballots are counted for quorum purposes, but votes will not be counted until all candidates are finalized.

- **Vote Counting**

- If no further nominations are made, the Board designated third party will proceed to count the votes.

- In any election for the board, each candidate may name one person to observe the counting of the ballots, provided that this does not entitle any observer to see the name of the person who cast any ballot, and that any disruptive observer may be removed.

- **Election Results**

- Announcement

- Results will be announced after all votes have been counted and verified.

- Record Keeping

- All ballots and proxies will be retained securely for record-keeping purposes as per legal requirements.

- **General Guidelines**

- Member Responsibilities

- Members are responsible for adhering to all deadlines and verification procedures.

- Communication

- All official communications will be sent via email and posted on the organizations website, and mailed by postal mail when applicable.

Support

For assistance, members can contact the Board for additional help or information.

Contact Information

Board Secretary

Email: whoalubbock@gmail.com

Phone: (806) 786-1579

Website

URL: www.whoalubbock.org