

ELECTION PROCEDURES AND VOTING POLICY
for
BRENTWOOD COMMON HOMEOWNERS' ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

I, Bridgette Jakob, Secretary of Brentwood Common Homeowners' Association (the "**Association**"), do hereby certify that at the Annual Meeting of the Membership duly called and held on the 5th day of February, 2020, with at least a quorum of the Board of Directors (the "**Board**") members being present and remaining throughout, and being duly authorized to transact business, the following Election Procedures and Voting Policy ("**Policy**") was duly approved by a majority vote of the members of the Board:

RECITALS:

1. This Election Procedures and Voting Policy is adopted by the Board of Directors of Brentwood Common Homeowners' Association, pursuant to the authority established by the Texas Property Code, the Texas Business Organizations Code, the Declaration of Covenants, Conditions and Restrictions ("**Declaration**") and the Bylaws of the Association ("**Bylaws**"), as same may have been, or may be amended or supplemented from time to time, and is binding on all Owners of Lots within Brentwood Common ("**Subdivision**").
2. The Board desires to ensure the election process is conducted in a fair and impartial manner with the utmost integrity.
3. The Board desires to establish an Election Procedures Policy to memorialize requirements for elections and voting in the Subdivision.
4. The Board also desires to establish a Voting Policy which provides for the accepted voting methods to be utilized at all meetings of the Association's membership.
5. This Policy applies to all elections and membership meetings of the Association at which a membership vote will be held.
6. This Policy replaces and supersedes all earlier election and voting policies, if any, adopted by the Board.

Capitalized terms in this Policy, but not defined herein, have the same meanings as those ascribed to them in the Declaration or Bylaws.

BE IT RESOLVED that the Board hereby adopts the following Policy regarding election procedures and voting methods.

POLICY:

A. Solicitation of Nominees for Board Service

1. Call for Nominees. The Board shall call for nominees no earlier than ninety (90) days and no later than twenty (20) days before the Association disseminates ballots to the Members for purposes of voting in a Board election. The Board shall cause notice to be provided to all Members by posting a notice on each Mail Center bulletin board and creating an announcement on the Internet website designated by the Board for official communication. The notice/announcement shall advise as to the number of positions on the Board to be filled by election at the Election Meeting and the right of all Members to run for Board service; provide information on how to obtain and submit a Nominee Form; and indicate the date by which Nominee Forms must be received by the

Association in order to be placed on the election ballot. The submission deadline must not be earlier than the tenth (10th) day after the date the notice is sent. The Board shall create and attach a Nomination Form to the digital announcement and place paper copies of the Nomination Form in the Clubhouse library no earlier than ninety (90) days before the Election Meeting.

2. Nomination/Submission of Candidate. All candidates must self-nominate. Members who submit a Nomination Form by the due date shall be included on the ballot. Late submissions shall not be accepted. Nominations from the floor at the Election Meeting shall not be accepted.

B. Notice of Election Meeting.

1. The Board shall select a date, time, and location for the Election Meeting. The Election Meeting may be combined with the Annual Meeting of the Members or be a Special Meeting of the Members.

2. Forty-five (45) days before the Election Meeting, the Board shall mail via USPS to each voting member a Notice of Election Meeting.

a. For election of Directors, the Notice of Election Meeting shall detail the date, time, and location of the meeting and the number of Director positions to be filled; include all nominee forms received by the due date an absentee ballot with instructions for completion and submission of the ballot; and a stamped and addressed return envelope. If the number of candidates is less than or equal to the number of Director positions to be filled, the Election Meeting notice shall consist of the date, time, location of the Meeting, and provide that election by ballot or vote is not required and that the nominees are elected by unanimous consent or acclamation.

b. For voting on proposed actions, the Notice of Election Meeting shall detail the date, time, and location of the Meeting and provide an absentee ballot with instructions for completion and submission of the ballot, and a stamped and addressed return envelope.

C. Campaign Standards

1. Time Period. Campaigning may not begin until sixty (60) days before the Election Meeting and must end by noon on the day of the Election Meeting. "Campaigning" includes distributing or mailing written information and sending electronic messages or materials. This limitation on campaigning applies to the candidate as well as any individuals who support the candidate.

2. Signage. Signs advertising a candidate for election to the Board are permitted to be posted no more than the ninetieth (90th) day before the election. The Association may remove a sign displayed in violation of this Section. Signs must meet the following requirements:

- Signs must be ground-mounted.
- Signs may only be placed on the displaying Owner's property.
- Signs are not permitted on the Common Areas.
- An Owner may display no more than one (1) sign for each candidate.
- No candidate or representative of a candidate may place a sign on another Owner's property without the Owner's express permission.
- Signs may not be larger than four feet by six feet. The preferred size is 18" X 24".
- Signs may not contain roofing material, siding, paving materials, flora, one or more balloons or lights, or be attached to any plant material, a light, a vehicle, or any other existing structure or object.
- Signs may not contain language, graphics, or any display that would be offensive to a person of ordinary sensibilities.
- Signs may not be accompanied by streamers or contain otherwise distracting elements.
- All signs must be removed no later than the tenth (10th) day after the Election Meeting.

D. Ballots

1. Ballots. A Member may vote in person or via absentee ballot. A Member may change their vote in person at the Election Meeting.
2. Validity. Each absentee ballot must be signed. Only one Member signature per Property is required. A Member must follow instructions included with the absentee ballot for the ballot to be accepted.
3. Deadline for Submission of Ballots. Absentee ballots must be submitted per instructions included with the ballot. No ballots shall be accepted after the deadline specified in the instructions.
4. Number of Votes.
 - a. Election of Board of Directors – A Member may vote for one (1) or up to the number of Director positions to be filled.
 - b. Issues/Documents – Only one (1) vote per proposed action is permitted.
 - c. Cumulative voting is not permitted.

E. Election Meeting Process

1. Order of Business. The President of the Board shall preside over the Election Meeting. In the absence of the President, the Vice-President shall preside. In the absence of both the President and Vice-President, a President Pro Tem shall be chosen from the Directors present.
2. Call for Ballots. The President of the Board shall call for ballots. The Community Association Manager shall deliver the ballots to the Secretary. The Secretary shall ask if any Members who voted via absentee ballot wish to change their vote and allow those Members to submit an in-person ballot. The Secretary shall then void the absentee ballots and present the in-person ballots to the Vote Tabulators.
3. Counting of Votes. Votes shall be tabulated per paragraph G of this Policy.
4. Adjournment of Meeting. After announcing the result(s), the President of the Board shall adjourn the meeting.

F. Voting

1. Right to Vote. All Members have the right to vote in the election of Directors and on all other matters that require a membership vote.
2. Voting Process. Members may cast votes by one (1) of the following methods:
 - a. Members may vote *prior* to Election Meetings, Annual Meetings or Special Meetings:
 - (1) by completing and returning the Absentee Ballot sent by the Association,
 - (2) any time before the submission deadline on the Absentee Ballot; or
 - b. Members may vote *at* Election Meetings, Annual Meetings or Special Meetings.
3. Number of Votes. For elections, Members may cast, with respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Bylaws and the Declaration.
4. Signature Required. Voting shall require a handwritten signature on the ballot.
5. Results. With respect to all positions on the Board to be filled by election, the candidates receiving the highest number of votes shall be elected to fill such positions, regardless of the number of votes cast. Cumulative voting is prohibited.
6. Action Without Vote. A vote of the Members is not required if the number of candidates for Board positions is less than or equal to the number of positions to be filled.

G. Tabulation of Votes and Access to Ballots

1. Limited Access. Only the Secretary of the Board, the designated Vote Tabulators, and a candidate's observer shall be present when the results are tabulated.
2. Vote Tabulators. The number of Vote Tabulators shall be set by a majority vote of the Board. Vote Tabulators shall be selected by majority vote of the Board. A person who is a candidate in the

election or a person related to that person within the third degree by consanguinity or affinity, as determined under Chapter 573 of the Government Code (a "Related Person") may not tabulate ballots.

3. Observers. Each candidate may name one (1) person to observe the tabulation of results; however, such observer shall not be permitted to see the name of the person who cast any ballot. A candidate or a person who is the subject of an Association vote, or a Related Person may not act as an observer. Further, any disruptive observer may be removed.
4. No Photographs. No photographs may be taken and audio or visual recording or live streaming is not allowed during the tabulation of votes.
5. Tabulation of Votes. The tabulation of the Election Results shall be completed before the adjournment of the Election Meeting and winners shall be announced.
6. Certification. After all votes have been tabulated, the Secretary shall certify results in writing.

H. Announcement of Results

1. Time of Announcement. The results of the election shall be announced by the end of the Election Meeting.
2. Method of Announcement. The results of the election shall be announced in person by the President of the Board. Within seventy-two (72) hours, the results of the election shall be posted to each Mail Center bulletin board and announced on the Internet website designated by the Board for official communication.

I. Recount of Votes

1. Request for Recount. Any Member may request a recount of the votes of an election. A request for a recount must be submitted not later than the fifteenth (15th) day after the date of the meeting of the Members at which an election or vote was held or the date of the announcement of the results of the election or vote, whichever is later. For purposes of this Section, the term "submitted" means the date on which the recount request is deposited in the mail or delivered in person in accordance with the requirements of this Section. A demand for a recount must be submitted in writing either:
 - a. by verified mail to the Association's mailing address as reflected on the last recorded management certificate; or
 - b. in person to the Association's managing agent as reflected on the last recorded management certificate or to the address to which absentee ballots were mailed.
2. Costs. The Association must estimate the costs for performing a recount by a person qualified to tabulate votes as set forth below and must send an invoice for the estimated costs to the Member requesting a recount to the Member's last known address according to the Association records not later than the 20th day after the date on which the Association received notice of the request for a recount. The Member demanding a recount must pay such invoice in full on or before the 30th day after the date the invoice is sent to the Member. If the Member does not timely pay the invoice, the demand for recount is considered withdrawn and a recount is not required. If the actual costs are different from the estimate, the Association must send a final invoice to the Member on or before the 30th business day after the date the results of the recount are provided. If the final invoice includes additional amounts owed by the Member, any additional amounts not paid to the Association before the thirtieth (30th) business day after the date the invoice is sent to the Member may be added to the Member's account as an assessment. If the estimated costs exceed the final invoice amount, the Member is entitled to a refund. The Association must issue a refund to the Member not later than the thirtieth (30th) business day after the date the invoice is sent to the Member.

3. Procedures. Only after payment is received, the Association must, at the expense of the Member requesting the recount, retain the services of a qualified person to perform the recount. The Association must contract for the services of a person who is not a Member of the Association or related to a member of the Board of Directors of the Association within the third degree by blood or marriage and is a:

- a. current or former county elections administrator;
- b. current or former justice of the peace;
- c. current or former county voter registrar; or
- d. person agreed on by the Association and each Member requesting the recount.

4. Timeframe. A recount must be performed on or before the 30th day after the date of receipt of the payment for the recount. The Association must provide each Member who requested the recount with notice of the results of the recount. If the recount changes the results of the election, the Association must reimburse the Member for the cost of the recount not later than the thirtieth (30th) day after the date the results of the recount are provided. 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 the recount.

J. Election Committee

1. Establishment and Function. An Election Committee ("Committee") may be established by the Board at least ninety (90) days before any election within the Association. The function of the Committee is to ensure integrity and consistency in the election process.

2. Appointment and Term. If the Board appoints a Committee, the Board shall appoint one (1) chairperson and two (2) members to the Committee. Committee appointees shall serve at the direction of the Board and may be removed or replaced by the Board at any time, in its sole discretion. Appointees to the Committee shall serve for a specific election only; however, in the event that more than one (1) election occurs during a meeting of Members, Committee appointees shall serve for all elections to be held during that meeting.

3. Qualifications. Committee appointees must be Members of the Association of the highest integrity. Committee appointees may not be candidates, spouses of candidates or current Directors, immediate family members of candidates or current Directors, or Officers. Prior service to the Association may be considered by the Board in the selection of Committee appointees.

4. Powers and Duties. The Committee and the Secretary of the Board shall have the specific powers and duties described below, which must be implemented following the requirements of this Policy. Any powers or duties not specifically granted to the Committee in this Policy are reserved for the Board. Further, the Board shall oversee the implementation of the Committee's powers and duties to confirm action is taken per the Association's governing documents. The powers and duties assigned to the Committee are:

- a. Publicize the election and related events.
- b. Organize, provide notice, and conduct a candidate forum before the Election Meeting.
- c. Organize and provide notice of the Election Meeting, including necessary forms and informational materials for Owners.
- d. Coordinate the voting process at the Election Meeting.
- e. Certify the election and the results in writing to the Secretary.
- f. Administer a recount of votes, if requested in accordance with Section I of this Policy and Property Code 209.0057.

The Secretary of the Board shall:

- a. Coordinate the activities of and oversee the Elections Committee.

- b. Determine whether an Owner is an owner of record and verify proof of ownership if the person does not appear on the Association's Roster of Owners.
- c. Certify the results of the election.
- d. Verify a quorum is met for the Election Meeting.
- e. Maintain records of the vote tabulation.

K. Candidate Forum. The Committee may organize and advertise a Candidate Forum to take place at least thirty (30) days before the Election Meeting. The Candidate Forum shall be held in the Clubhouse. The purpose of the Candidate Forum is to allow each candidate to give qualification and platform information to the voting membership. The Committee shall determine the format for the Candidate Forum, but it must ensure equal time is afforded to each candidate to speak and answer questions. Notice of the date, time, and location of the Candidate Forum shall be provided to each Member by posting on each Mail Center bulletin board and the website designated by the Board for official communication. Only Members are allowed to attend the Candidate Forum.

L. Parliamentary Procedure. Simple parliamentary procedure shall be used unless in conflict with the document or statute.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Election Procedures Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Bexar County, Texas.

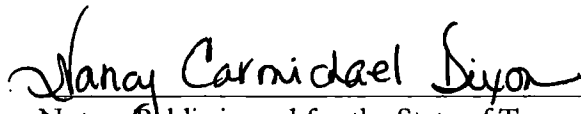
TO CERTIFY which witness my hand this the 5th day of February, 2020.

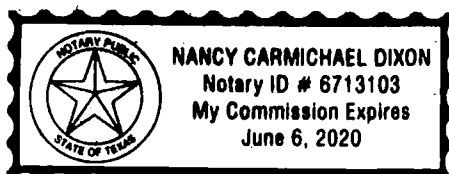
**BRENTWOOD COMMON
HOMEOWNERS' ASSOCIATION**

By: 
Its: Secretary

THE STATE OF TEXAS §
§
COUNTY OF BEXAR §

BEFORE ME, the undersigned notary public, on this 5th day of February, 2020, personally appeared Bridgette Jakob, Secretary of Brentwood Common Homeowners' Association known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.


Notary Public in and for the State of Texas



File Information

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 2/7/2020 4:22 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk