

HORSESHOE BEND HOMEOWNERS ASSOCIATION VOTING PROCEDURES

Members of the Horseshoe Bend Homeowners Association (the “Association”) are subject to the following voting procedures as detailed in:

1. Article V. Voting Rights the Association’s Declarations of Covenants, Conditions and Restrictions (“Declarations”);
2. Article Five. Voting Rights of the Bylaws of the Association (“Bylaws”); and
3. Chapter 209, Sections 209.0051, 209.0055, 209.0056, 209.0057, and 209.0059, of the Texas Property Code as amended.

VOTING

Not later than the 10th day or earlier than the 60th day before the date of an election or a vote, the Secretary of the Association (or other person authorized to do so) shall give written notice of the election or vote to each member of the Association.

The vote(s) of a member may be cast or given:

1. in person or by proxy at a meeting of the Association;
2. by absentee ballot; or
3. by electronic ballot.

All votes cast in an election must be in writing and signed by the member voting except in an uncontested race.

All members are entitled to one (1) vote for each Unit owned by a member except when the matter to be voted on is a proposal to amend the Declarations. A member may not cast more than one (1) vote, regardless of the number of Units the member owns on a proposal to amend the Declarations.

A ballot cast on a proposal to amend the Declarations shall be secret and may not be counted unless it is placed inside an unmarked envelope that is placed inside another envelope that bears the signature and printed name of the owner casting the enclosed ballot. An election canvassing committee appointed by the Board of Directors (“Board”) of the Association shall be responsible for canvassing and counting the votes, determining the outcome and certifying the results to the Board.

When more than one person holds an interest in a Unit, all such persons shall be members of the Association but the vote for such Unit shall be exercised as they determine among themselves, but in no event shall there be more than one (1) vote cast with respect to any Unit.

VOTING BY PROXY

Members unable to attend a meeting of the Association and vote in person may elect to fill out a proxy form and give it to a friend, a relative, a neighbor, or a Board member (i.e., preferably a person the member trusts). In the event this person becomes unable to attend the meeting, he or she can then pass on the member's proxy to another person.

Members should discuss with the person to whom they give their proxy how they want their vote(s) cast. The person holding the proxy may vote on all matters put to a vote at the specified meeting. The proxy is revocable by the member at any time, and it automatically becomes invalid if the member attends the meeting in person, if the member conveys his lot(s) or if the member dies prior to the specified meeting.

A proxy must be signed and dated by the member and filed with the Secretary of the Association (or other person authorized to receive proxies) prior to the start of the meeting of the Association in order to be valid. No proxy is valid after eleven (11) months from the date of its execution, unless otherwise specifically provided in the proxy.

VOTING BY ABSENTEE BALLOT

Members unable to attend a meeting of the Association and vote in person have the option to vote by absentee ballot. An absentee ballot may be counted as a member present and voting for the purpose of establishing a quorum only for items appearing on the ballot. Absentee ballots must be signed and dated by the member and filed with the person designated on the ballot prior to the stated deadline.

An absentee ballot may not be counted, even if properly delivered, if the member attends any meeting to vote in person. Any vote cast at a meeting by a member supersedes any vote submitted by absentee ballot previously submitted for that proposal. An absentee ballot 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 ballot.

An absentee ballot will be counted, if properly delivered, on the final vote in the election of Directors to the Board even in the event of a change in the slate of candidates during the meeting of the Association (such as disqualification or withdrawal of a candidate or candidates and/or a nomination or nominations from the floor during the meeting).

Solicitations for votes by absentee ballot must include: (1) an absentee ballot that contains each proposed action and provides an opportunity to vote for or against each proposed action; (2) instructions for delivery of the completed absentee ballot, including the delivery location and the deadline for delivery; and (3) 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.”*

VOTING BY ELECTRONIC BALLOT

For purposes of this section, “electronic ballot” means a ballot: (1) given by email, facsimile or posting on an Internet website; (2) for which the identity of the member submitting the ballot can be confirmed; and (3) for which the member may receive a receipt of the electronic transmission and receipt of the member’s ballot.

If an electronic ballot is given by email, the ballot must be sent to the Association’s email address (HSB@hughes.net) from the member’s email address of record. It is each member’s duty to keep an updated email address registered with the Secretary of the Association.

If an electronic ballot is posted on a website, a notice of the posting shall be sent to each member that contains instructions on obtaining access to the posting on the website. Electronic votes cast constitute written and signed ballots.

An electronic ballot may be counted as a member present and voting for the purpose of establishing a quorum only for items appearing on the ballot. An electronic ballot may not be counted, even if properly delivered, if the member attends any meeting to vote in person. Any vote cast at a meeting by a member supersedes any vote submitted by electronic ballot previously submitted for that proposal. An electronic ballot 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 electronic ballot. Electronic ballots may be counted on the final vote in an election of Directors even if there are changes in the slate of candidates during the meeting of the Association (such as disqualification or withdrawal of a candidate or candidates and/or a nomination or nominations from the floor during the meeting).

TABLUTION OF AND ACCESS TO BALLOTS

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, may not tabulate or otherwise be given access to the ballots cast in that election or vote.

A person other than a person described in the paragraph above, may tabulate votes in an Association election or vote but may not disclose to any other person how an individual voted. A person other than a person who tabulates votes in an Association election may be given access to the ballots cast in the election or vote only as part of a recount process.

REQUESTS FOR A RECOUNT

Any member may, not later than the 15th day after the date of the meeting at which an election is held, request a recount of the votes. A demand for a recount must be submitted: (1) in writing either by certified mail, return receipt requested, or by confirmation service to the Association’s

mailing address or (2) in person to the Association's Registered Agent as reflected on the latest Management Certificate filed under Section 209.004 of the Texas Property Code.

The Association shall, at the expense of the member requesting the recount, retain for the purpose of performing the recount, the services of a person qualified to tabulate votes. This person shall not be a member of the Association or be related to a member of the Association's Board but shall be a current or former County Judge, a County Elections Administrator, a Justice of the Peace, a County Voter Registrar or a person agreed on by the Association and the person requesting the recount.

The recount must be performed on or before the 30th day after the date of receipt of the request and payment for the recount. If the recount changes the results of the election, the Association shall reimburse the requesting member for the cost of the recount. The Association shall provide the results of the recount to each member who requested the recount. 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.

These voting procedures were adopted by the Board of Directors of the Association on August 11, 2012 and approved by the Members of the Association on October 6, 2012.