

# **The Reserve at Lake Tyler Homeowners Association**

15302 Reserve Blvd.  
Tyler, Texas 75707

## **Election Policy**

The Board of Directors of the Reserve at Lake Tyler has determined that it is in the best interest of the community to establish a policy defining the policy for the election of the Board of Directors for the Association.

### **Solicitation of Candidates**

At least 10 days before the date the association disseminates ballots to association members for purposes of voting in a board member election, the association must provide notice to the association members soliciting candidates interested in running for a position on the board. The notice will contain instructions for an eligible candidate to notify the association of the candidate's request to be placed on the ballot and the deadline to submit the candidate's request. The deadline may not be earlier than the 10th day after the date the association provides the notice required by this subsection.

The notice will be:

- (1) mailed to each owner; or
- (2) posted in a conspicuous manner reasonably designed to provide notice to association members like the message boards at the entrance/exit of the community or
- (3) posted on [thereserveatlaketyler.com](http://thereserveatlaketyler.com) or
- (4) sent by e-mail to each owner who has registered an e-mail address with the association.

The association will include on each ballot for a board member election the name of each eligible candidate from whom the association received a request to be placed on the ballot.

### **Candidate Qualification for Board of Directors**

Except as is provided below, the association will not create a provision that would disqualify an owner to run for a position on the board of the association.

- A. The association may require one or more board members to reside in the subdivision subject to the dedicatory instruments but may not require all board members to reside in that subdivision.

- B. The association requires that a board candidate be a property owner of the subdivision.
- C. A person may not serve on the board if the person cohabits at the same primary residence with another board member of the association.
- D. If a board is presented with written, documented evidence from a database or other record maintained by a governmental law enforcement authority that a board member or candidate was convicted of a felony or crime involving moral turpitude not more than 20 years before the date the board is presented with the evidence, the board member is immediately ineligible to serve on the board of the property owners' association, automatically considered removed from the board, and prohibited from future service on the board

### **Notice of Election**

The association will provide a notice of election or association vote not later than the 10th day or earlier than the 60th day before the date of the election or vote, the association shall give written notice of the election or vote to each owner of property in the property owners' association.

The notice must be:

- (1) mailed to each owner; or
- (2) provided by:
  - (A) posting the notice in a conspicuous manner reasonably designed to provide notice to association members like the message boards at the entrance/exit of the community or
    - (ii) [TheReserveatLakeTyler.com](http://TheReserveatLakeTyler.com)
  - (B) sending the notice by e-mail to each owner who has registered an e-mail address with the association.

### **Right to Vote**

The association will not create a policy that would disqualify a property owner from voting in an association election of board members or on any matter concerning the rights or responsibilities of the owner is void.

### **Voting**

The voting rights of an owner may be cast or given:

- (1) in person or by proxy at a meeting of the association;
- (2) by absentee ballot in accordance with this section;

The association will provide owners the ability to vote via a paper ballot. An owner's ballot will not be counted, even if properly delivered, if the owner attends any meeting to vote in person, so that any vote cast at a meeting by a property owner supersedes any vote submitted by absentee ballot previously submitted

A solicitation 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
- (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."

#### **Tabulation and Access to Votes**

(a) A person who is a candidate in a property owners' association election or who is otherwise the subject of an association vote, or a person related to that person within the third degree may not tabulate or otherwise be given access to the ballots cast in a board election or vote except as provided by this section.

(b) A person other than a person described by Subsection (a) may tabulate votes in an association election or vote.

(b-1) A person who tabulates votes under Subsection (b) or who performs a recount under the Section *Recount of Votes* may not disclose to any other person how an individual voted.

(c) Only a person who tabulates votes under Subsection (b) or who performs a recount under Section *Recount of Votes* may be given access to the ballots cast in the election or vote.

#### **Recount of Votes**

Any owner may, not later than the 15th day after the later of the date of any meeting of owners at which the election or vote was held or the date of the announcement of the results of the election or vote, require a recount of the votes. A demand for a recount must be submitted in writing either:

- (1) by verified mail or by delivery by the United States Postal Service with signature confirmation service to the property owners' association's mailing address or
- (2) in person to the property owners' association's managing agent as reflected on the latest management certificate or to the address to which absentee and proxy ballots are mailed.
  - (a) The association must estimate the costs for performance of the recount by a person qualified to tabulate votes and must send an invoice for the estimated costs to the requesting owner at the owner's last known address according to association records not later than the 20th day after the date the association receives the owner's demand for the recount.
  - (b) The owner demanding a recount under this section must pay the invoice described by Subsection (a) in full to the association on or before the 30th day after the date the invoice is sent to the owner.
  - (c) If the invoice described by Subsection (a) is not paid by the deadline prescribed by Subsection (b), the owner's demand for a recount is considered withdrawn and a recount is not required.
  - (d) If the estimated costs under Subsection (a) are lesser or greater than the actual costs, the association must send a final invoice to the owner 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 owner, any additional amounts not paid to the association before the 30th business day after the date the invoice is sent to the owner may be added to the owner's account as an assessment. If the estimated costs exceed the final invoice amount, the owner is entitled to a refund. The refund shall be paid to the owner at the time the final invoice is sent under this subsection.

Following receipt of payment under Subsection (b), the association shall, at the expense of the owner requesting the recount, retain for the purpose of performing the recount the services of a person qualified to tabulate votes under this subsection. The association shall enter into a contract for the services of a person who:

- A. is not a member of the association or related to a member of the association board within the third degree by consanguinity or affinity, and is:
- a current or former:
    - i. county judge;
    - ii. county elections administrator;
    - iii. justice of the peace; or
    - iv. county voter registrar; or
  - b. a person agreed on by the association and each person requesting the recount.

On or before the 30th day after the date of receipt of payment for a recount in accordance with Subsection (b), the recount must be completed and the property owners' association must provide each owner who requested the recount with notice of the results of the recount. If the recount changes the results of the election, the association shall reimburse the requesting owner for the cost of the recount not later than the 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 any recount.

IN WITNESS WHEREOF, the undersigned President of the Reserve at Lake Tyler Home Owners Association, Inc., has executed the declaration the 31<sup>st</sup> day of January, 2023.

1/31/2023

Date



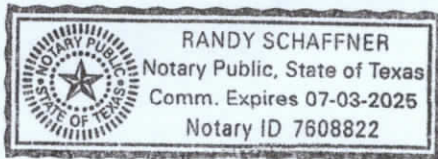
The President of the Reserve at Lake Tyler


STATE OF TEXAS §

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COUNTY OF SMITH §

BEFORE ME, the undersigned authority, on the 31 day of January, 2023, personally appeared, William Trent Richardson, to me know to be the President of the Reserve at Lake Tyler Home Owners Association, Inc., and he acknowledged before me that he executed the same for the purposed therein expressed.



  
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Notary Public, State of Texas

My Commission Expires: 7/3/25



202301002878

Smith County  
Karen Phillips  
Smith County Clerk

Document Number: 202301002878

Real Property Recordings  
BY LAWS

Recorded On: February 02, 2023 12:30 PM

Number of Pages: 7

Billable Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$46.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law

File Information:

Document Number: 202301002878  
Receipt Number: 20230202000073  
Recorded Date/Time: February 02, 2023 12:30 PM  
User: Tammy P



STATE OF TEXAS  
Smith County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time  
printed hereon, and was duly recorded in the Official Records of Smith County, Texas

Karen Phillips  
Smith County Clerk  
Smith County, TX