



10 Kenmure Dr.  
Flat Rock, NC 28731  
August 20, 2019

Dr. Goldstein,

I have been asked to respond to your email entitled “A Democratic Election Process”. As Corporate Secretary of KPOA I am familiar with the election process. I surmise that you are acquainted with the annual KPOA election of Directors and that you expect the annexation voting to be similar. Nothing could be farther from the truth.

In no way will the vote on amending the KPOA Declaration to annex 60+ acres be “A Democratic Election Process”. It is a statutory election process as set out in the NC Planned Community Act, G.S. 47F-1-101et.seq. Neutrality will not be maintained as the statute places a heavy burden on the proponent seeking to amend the Declaration of a planned community. To “win” the right to amend a community’s Declaration the proponent must obtain an affirmative vote of 67% of the votes of the lot owners. 47F-2-117. If 67% of the lot owners do not turn out to vote, the proponent loses. If 67% or more do turn out to vote the proponent prevails only if 67% or more vote in favor. I think you will agree that the rules in a democratic election are quite different where the person receiving 50+ per cent of the vote wins even if the voter turnout is low.

What can a proponent do to convince the owners to support amending the Declaration? The proponent can state how and why they support the amendment, and in fact have an affirmative duty to try to get 100% turn out. According to lawyers who specialize in communities such as ours, there is nothing improper in calling lot owners to remind them to vote and in asking them how they plan to vote and why.

Balloting is confidential. The Election Committee will count and tally the written ballots. The electronic votes are electronically tabulated and the report given to the Election Committee chair. All ballots and electronic voting records are turned over to the Corporate Secretary to be held for one year.

If you have any additional questions about the process, let me know.

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