

Totem Pole Election Reform (Throw away your “GENERAL Proxy”).

To My Fellow Owners,

My name is John Cummings, owner of Totem Pole site 207. I'm writing to inform owners of a legal battle I'm engaged in with the Board of Directors to help all owners by forcing the Board to follow the NH Condo Act voting laws. I had sought to avoid legal action, trying to work this out directly with the Board, but unfortunately, they have refused and are now resisting following NH law, using **your money** to pay their legal bills in order to deny owners their legal voting rights. Let that sink in.

I have included the letter from my attorney to the association attorney and the Board outlining their violation of NH Condo Act laws related to the use of “Directed” proxies and also the issue of “proper notice” to owners on voting articles. For those that have never heard of a “Directed” proxy, it is the equivalent to an absentee ballot for condo associations. See an example proxy on the reverse side.

I am creating a page on the owners' portal where I will be sharing relevant information about this legal action including letters from the NH Attorney General, NH State Rep, NH Attorney's, as well as video clips excerpts from TPP Board meetings.

Here is the URL - [//https://tppnh.org/voting-rights](https://tppnh.org/voting-rights)

Issue 1 – Directed Proxies

The NH Condo act was written to govern condominium associations and to protect owners from rogue condo association Board's ensuring owners voting options. The Board's job is to follow the voting laws and they aren't, as validated by the NH Attorney General, Legal counsel and the NH State Rep who wrote the voting laws. **Condo Boards are required by law to accept absentee-like Directed proxies.**

How can owners help?

- By rejecting your “General Proxy”, where an owner is legally surrendering their voting rights to another owner. ***Just throw your “general proxy” away and the Board will have no choice but to follow the law and introduce changes to our voting process.***

Why will this work now and not in the past?

- The new association attorney, John Bisson, gifted the owners the power to force change last year by enforcing two-thirds of all owners voting requirement to pass bylaw changes. This is a game changer for Totem Pole owners. Bylaw changes have always required 304-yes votes and the Board never followed the law until last year. Prior to last year, bylaws were being changed with as few as 125 votes.
- The board is now desperate for owners to “Legally surrender” their vote via a “general proxy” and to keep this illegal voting system alive. PLEASE DO NOT FALL FOR IT. The Board has weaponized the newsletter and has posted fliers all over the park to solicit proxies in an act of desperation.
- The board needs 350 votes to realistically have a chance to pass any bylaw changes and can't reach vote total without your general proxy. Owners can force long overdue changes to our elections.
- **TAKE YOUR RIGHT TO VOTE BACK. Throw your “general proxy” away if you can't attend the annual meeting in person.**

Issue 2 – Proper Notice

- **Proper legal notification - Election Day amendments (Bait and Switch).**
 - The NH Condo Act (RSA 356-B:37) requires “proper notice” to ALL owners for any article being voted on. This means once the agenda (voting articles) is mailed to the owners 21 days prior to the annual meeting that NOTHING can subsequently be changed and be voted on election day.
 - Owners make their decision whether or not to attend the annual meeting based on the specifics of the ballot. It is illegal and also not fair to owners of \$200K condo’s to allow changes to the ballot as owners are essentially in the voting booth.

Totem Pole Park Condominium Association Sample Proxy

The undersigned does hereby appoint _____ or, if no one is named herein, the Secretary of the Board of Directors, as my true and lawful Proxy, to attend and represent the undersigned at the annual meeting of the members to be held on _____ (date) at, _____ (location) at _____ a.m or any adjournments thereof.

(CHECK ONE SECTION ONLY)

_____ **PROXY HOLDER DISCRETION – GENERAL/UNDIRECTED PROXY**

This proxy may be used to establish a quorum at the meeting specified above and to **authorize my proxy to exercise the entire vote of the undersigned in his/her discretion** on any matter properly brought before the meeting .

_____ **DIRECTED PROXY**

This proxy may be used to establish a quorum at the meeting specified above to authorize my proxy to exercise the entire vote of the undersigned **ONLY as directed below**. I hereby instruct my proxy to vote as directed below.

Note: Voting Selections below are only honored for a Directed Proxy.

Article 1 – Vote for Board of Directors – Choose up to two candidates

___ Mr X
___ Mr Y
___ Mr Z

Article 2 – Annual Budget - A “YES” vote approves the budget.

___ YES
___ NO

Article 3 - Owner Petition to add a new Association officer to oversee the Commercial operations. This new officer position will be added to the annual elections starting in 2024

___ YES
___ NO