

By: White

H.B. No. 818

A BILL TO BE ENTITLED

AN ACT

relating to certain voting procedures for certain property owners' associations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 209.0058(a), Property Code, as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) A property owners' association must provide a practical and effective means for each ~~[Any]~~ vote cast in an election or each vote cast by a member of a property owners' association to ~~[must]~~ be by secret ballot ~~[in writing and signed by the member]~~.

SECTION 2. (a) This section takes effect only if the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Section 209.0058(a), Property Code, as added by Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) A property owners' association must provide a practical and effective means for each ~~[Any]~~ vote cast in an election or each vote cast by a member of a property owners' association to ~~[must]~~ be by secret ballot ~~[in writing and signed by the member]~~.

SECTION 3. Sections 209.00592(a) and (d), Property Code, as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature,

1 Regular Session, 2011, are amended to read as follows:

2 (a) Subject to Section 209.0058, the ~~[The]~~ voting rights of
3 an owner may be cast or given:

4 (1) in person or by proxy at a meeting of the property
5 owners' association;

6 (2) by absentee ballot in accordance with this
7 section;

8 (3) by electronic ballot in accordance with this
9 section; or

10 (4) by any method of representative or delegated
11 voting provided by a dedicatory instrument.

12 (d) For the purposes of this section, "electronic ballot"
13 means a secret ballot:

14 (1) given by:

15 (A) e-mail;

16 (B) facsimile; or

17 (C) posting on an Internet website; and

18 (2) ~~[for which the identity of the property owner~~
19 ~~submitting the ballot can be confirmed; and~~

20 ~~[(3)]~~ for which the property owner may receive a receipt
21 of the electronic transmission and receipt of the owner's ballot.

22 SECTION 4. (a) This section takes effect only if the Act of
23 the 83rd Legislature, Regular Session, 2013, relating to
24 nonsubstantive additions to and corrections in enacted codes does
25 not become law.

26 (b) Sections 209.00593(a) and (d), Property Code, as added
27 by Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular

1 Session, 2011, are amended to read as follows:

2 (a) Subject to Section 209.0058, the ~~[The]~~ voting rights of
3 an owner may be cast or given:

4 (1) in person or by proxy at a meeting of the property
5 owners' association;

6 (2) by absentee ballot in accordance with this
7 section;

8 (3) by electronic ballot in accordance with this
9 section; or

10 (4) by any method of representative or delegated
11 voting provided by a dedicatory instrument.

12 (d) For the purposes of this section, "electronic ballot"
13 means a secret ballot:

14 (1) given by:

15 (A) e-mail;

16 (B) facsimile; or

17 (C) posting on an Internet website; and

18 (2) ~~[for which the identity of the property owner
19 submitting the ballot can be confirmed; and~~

20 ~~[(3)]~~ for which the property owner may receive a receipt
21 of the electronic transmission and receipt of the owner's ballot.

22 SECTION 5. (a) Sections 209.0058(b) and (c), Property Code,
23 as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature,
24 Regular Session, 2011, are repealed.

25 (b) Sections 209.0058(b) and (c), Property Code, as added by
26 Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular
27 Session, 2011, are repealed.

1 SECTION 6. To the extent of any conflict, this Act prevails
2 over another Act of the 83rd Legislature, Regular Session, 2013,
3 relating to nonsubstantive additions to and corrections in enacted
4 codes.

5 SECTION 7. This Act takes effect January 1, 2014.