

BILL ANALYSIS

C.S.H.B. 2147
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that current law requiring a vote cast in an election or vote by a member of a property owners' association to be in writing and signed by the member effectively makes a vote cast by secret ballot no longer anonymous. C.S.H.B. 2147 seeks to address this issue by providing for secret ballots in a property owners' association election or vote.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2147 amends the Property Code to authorize a property owners' association subject to the Texas Residential Property Owners Protection Act to adopt rules to allow voting by secret ballot by members of the association. The bill requires the association to take measures to reasonably ensure that a member cannot cast more votes than the member is eligible to cast in an election or vote and that the association counts all votes cast by members eligible to cast the votes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2147 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 209.0058, Property	SECTION 1. Section 209.0058, Property

Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), any [Any] vote cast in an election or vote by a member of a property owners' association must be in writing and signed by the member.

(d) A property owners' association may adopt rules to allow voting by secret ballot by members of the association. The association must take measures to reasonably ensure that a member cannot cast more votes than the member is eligible to cast in an election or vote.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), any [Any] vote cast in an election or vote by a member of a property owners' association must be in writing and signed by the member.

(d) A property owners' association may adopt rules to allow voting by secret ballot by members of the association. The association must take measures to reasonably ensure that:

(1) a member cannot cast more votes than the member is eligible to cast in an election or vote; and

(2) the association counts all votes cast by members eligible to cast the votes.

SECTION 2. Same as introduced version.