

By: Birdwell

S.B. No. 864

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to secret ballots in a property owners' association  
3 election or vote.

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

5 SECTION 1. Section 209.0058, Property Code, is amended by  
6 amending Subsection (a) and adding Subsection (d) to read as  
7 follows:

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

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

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

16 (2) the association counts every vote cast by a member  
17 that is eligible to cast a vote.

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