

1-1 By: Birdwell S.B. No. 864
1-2 (In the Senate - Filed March 2, 2015; March 4, 2015, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 20, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 20, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 864 By: Eltife

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to secret ballots in a property owners' association
1-22 election or vote.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 209.0058, Property Code, is amended by
1-25 amending Subsection (a) and adding Subsection (d) to read as
1-26 follows:

1-27 (a) Except as provided by Subsection (d), any [Any] vote
1-28 cast in an election or vote by a member of a property owners'
1-29 association must be in writing and signed by the member.

1-30 (d) A property owners' association may adopt rules to allow
1-31 voting by secret ballot by members of the association. The
1-32 association must take measures to reasonably ensure that:

1-33 (1) a member cannot cast more votes than the member is
1-34 eligible to cast in an election or vote; and

1-35 (2) the association counts every vote cast by a member
1-36 that is eligible to cast a vote.

1-37 SECTION 2. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2015.

1-42 * * * * *