

## **BILL ANALYSIS**

S.B. 864  
By: Birdwell  
Business & Industry  
Committee Report (Unamended)

### **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. S.B. 864 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**

S.B. 864 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 every vote cast by a member that is eligible to cast a vote.

### **EFFECTIVE DATE**

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