ISSUE #1

MARKUP #1 ->

Section 1: [Protective Covenants Article III, Section 3.14] Political Signs Prohibited Except 30 Days Before Election

No political sign endorsing a candidate or ballot proposition shall be displayed on any Lot except during the period commencing thirty (30) days prior to the election date and ending forty-eight (48) hours after the polls close, and no more than two (2) political signs in total may be displayed on any Lot regardless of the number of candidates on the ballot.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Sign restriction prohibits political signs or restricts their display window below the statutory 90-day pre-election / 10-day post-election period (or caps signs at 1 per lot rather than 1 per candidate/measure).

Statutory / Legal Reference: Tex. Election Code § 259.002 (formerly Tex. Prop. Code § 202.009)

Statutory Comparison: Under Tex. Election Code § 259.002 (recodified from Tex. Prop. Code § 202.009), a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner's property one or more signs advertising a political candidate or ballot item on or after the 90th day before the date of the election to which the sign relates and before the 10th day after that election date.

CURRENT WORDING IN DOCUMENT:

[Protective Covenants Article III, Section 3.14] Political Signs Prohibited Except 30 Days Before Election No political sign endorsing a candidate or ballot proposition shall be displayed on any Lot except during the period commencing thirty (30) days prior to the election date and ending forty-eight (48) hours after the polls close, and no more than two (2) political signs in total may be displayed on any Lot regardless of the number of candidates on the ballot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Election Code § 259.002 (formerly Tex. Prop. Code § 202.009), Owners may display ground-mounted political signs (one sign per candidate or ballot item, up to four feet by six feet) on the Owner's private property starting ninety (90) days before the election date through the tenth (10th) day after the election.