Section 6. - Sample Provision Excerpt (Public Preview)

Proxies and Absentee Ballots. Where any instance of a vote is required of the members, one vote per Lot is allotted, regardless of the number of members who own the Lot. A Member may vote in person or by proxy, absentee ballot, or electronic ballot (e-mail, facsimile, or posting on an internet website) provided by the Association. Electronic votes constitute written and signed ballots. No Member may be disqualified from voting for any reason.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE
BOARD & COUNSEL REVIEW

Sec. 6. (p. 2): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

Statutory Comparison: Under Texas Property Code § 209.0059(a), a provision in a dedicatory instrument that would disqualify a property owner from voting in a property owners' association election of board members or on any matter concerning the rights or responsibilities of the owner is void.

CURRENT WORDING IN DOCUMENT:

Proxies and Absentee Ballots. Where any instance of a vote is required of the members, one vote per Lot is allotted, regardless of the number of members who own the Lot. A Member may vote in person or by proxy, absentee ballot, or electronic ballot (e-mail, facsimile, or posting on an internet website) provided by the Association. Electronic votes constitute written and signed ballots. No Member may be disqualified from voting for any reason.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Proxies and Absentee Ballots. Where any instance of a vote is required of the members, one vote per Lot is allotted, regardless of the number of members who own the Lot. A Member may vote in person or by proxy, absentee ballot, or electronic ballot (e-mail, facsimile, or posting on an internet website) provided by the Association. Electronic votes constitute written and signed ballots. No Member may be disqualified from voting for any reason. Proxies submitted by members and votes cast by members must be in writing signed by the Memb [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.