

Prop. Code Section 209.00593

Election of Board Members

(a)

Notwithstanding any provision in a dedicatory instrument, any board member whose term has expired must be elected by owners who are members of the property owners' association. A board member may be appointed by the board to fill a vacancy on the board. A board member appointed to fill a vacant position shall serve for the remainder of the unexpired term of the position.

(a-1)

At least 10 days before the date a property owners' association composed of more than 100 lots disseminates absentee ballots or other ballots to association members for purposes of voting in a board member election, the association must provide notice to the association members soliciting candidates interested in running for a position on the board. The notice must contain instructions for an eligible candidate to notify the association of the candidate's request to be placed on the ballot and the deadline to submit the candidate's request. The deadline may not be earlier than the 10th day after the date the association provides the notice required by this subsection.

(a-2)

The notice required by Subsection (a-1) must be:

(1)

mailed to each owner; **or**

(2)

provided by:

(A)

posting the notice in a conspicuous manner reasonably designed to provide notice to association members:

(i)

in a place located on the association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; **or**

(ii)

on any Internet website maintained by the association or other Internet media; **and**

(B)

sending the notice by e-mail to each owner who has registered an e-mail address with the association.

(a-3)

An association described by Subsection (a-1) shall include on each absentee ballot or other ballot for a board member election the name of each eligible candidate from whom the association received a request to be placed on the ballot in accordance with this section.

(b)

The board of a property owners' association may amend the bylaws of the property owners' association to provide for elections to be held as required by Subsection (a).

(c)

The appointment of a board member in violation of this section is void.

(d)

This section does not apply to the appointment of a board member during a development period.

(e)

This section does not apply to a representative board whose members or delegates are elected or appointed by representatives of a property owners' association who are elected by owner members of a property owners' association.