

what are the laws of Texas that apply to a property owners association election

5:35 PM

Claude responded: Here is a comprehensive overview of the Texas laws governing property owners' association (POA) elections.

Searched the web

Searched the web

Here is a comprehensive overview of the Texas laws governing property owners' association (POA) elections. The primary governing statute is **Chapter 209 of the Texas Property Code**, known as the **Texas Residential Property Owners Protection Act (TRPOPA)**. **State law supersedes anything in the association's own governing documents** (CC&Rs or bylaws) that provides less protection to owners.

Governing Framework

Texas HOA voting procedures must follow a specific pecking order of legal authority. **At the top sits the Texas Property Code, particularly Chapter 209, which sets mandatory requirements that override any conflicting HOA rules. Your CC&Rs and bylaws can add requirements beyond state minimums — such as allowing cumulative voting or requiring higher quorum thresholds — but they cannot provide less protection than state law mandates.** [HOA Start](#)

Key Election Statutes in Chapter 209

1. Notice of Election (§ 209.0056)

For an election or vote taken at a meeting of owners, the association must give written notice no later than the 10th day and no earlier than the 60th day before the election. The notice must go to each owner entitled to vote. [Justia](#)

For an election or vote not taken at a meeting (such as a mail-in vote), notice must be given no later than the 20th day before the latest date a ballot may be submitted to be counted. This section supersedes any contrary requirement in a dedicatory instrument. [Justia](#)

2. Ballots (§ 209.0058)

Votes must be in writing and signed by the member when cast in a board election, on a proposed increase in the amount of a regular assessment, or on the proposed adoption of a special assessment. Electronic votes constitute written and signed ballots. Written and signed ballots are not required for uncontested races. [Texas StatutesTexas.Public.Law](#)

A POA may adopt rules to allow voting by secret ballot. The association must take measures to reasonably ensure that a member cannot cast more votes than they are eligible to cast, and that every eligible vote is counted. [Texas.Public.Law](#)

In any election for the board, each candidate may name one person to observe the counting of the ballots — this does not entitle any observer to see the name of the person who cast any ballot, and any disruptive observer may be removed. [FindLaw](#)

3. Right to Vote (§ 209.0059)

Any provision in a dedicatory instrument that would disqualify a property owner from voting in a POA election of board members or on any matter concerning the rights or responsibilities of the owner is void. [Texas Statutes](#)

4. Board Membership / Candidacy (§ 209.00591)

Any provision in a dedicatory instrument that restricts a property owner's right to run for a position on the board is void. However, a POA's bylaws may require one or more (but not all) board members to reside in the subdivision. [Texas Statutes](#)

5. Voting Methods and Quorum (§ 209.00592)

An owner's voting rights may be cast in person or by proxy at a meeting, by absentee ballot, by electronic ballot, or by any method of representative or delegated voting provided by a dedicatory instrument. Unless a dedicatory instrument provides otherwise, a POA is not required to provide an owner with more than one voting method, so long as the owner may vote by absentee ballot or proxy. [Texas Statutes](#)

6. Election of Board Members (§ 209.00593)

If the owner who submitted an electronic ballot attends a meeting to vote in person, the electronic ballot may not be counted. The electronic ballot may not be counted if the vote at the meeting is upon language that is not exactly the same as that appearing on the ballot. [City of Houston](#)

7. Tabulation and Access to Ballots (§ 209.00594)

This section governs how ballots must be counted and stored, and owners' rights to access ballot records after an election.

8. Mandatory Election After Failure to Call Meeting (§ 209.014)

If a board fails to call a required regular meeting, this section provides a mechanism for owners to force an election.

9. Recount of Votes (§ 209.0057)

Any owner may, not later than the 15th day after the later of the election result, request a recount of the votes. [Winstead](#)

Important Notes

- These rules apply to **residential** POAs governed by Chapter 209. Condominium associations are governed separately under **Chapter 82** of the Texas Property Code.

- Texas has been rapidly updating HOA laws — between 2021 and 2024, the legislature passed multiple bills affecting HOA operations, including changes to voting rights. [Steadily](#)
- The **Texas Nonprofit Corporation Act (Business Organizations Code, Chapter 22)** also applies to incorporated POAs and may impose additional procedural requirements.

For issues specific to your association's situation, consulting a Texas attorney who practices community association law is a good idea, as the interaction between your governing documents and state statutes can be complex. I'm not a lawyer and this is informational only.