

What the heck is a proxy and why should I care?

By Kelly McFadden

There has been a lot of discussion about the recent PIPOA Board votes on Background checks and the hiring of a new Board attorney. But there was a third vote that was taken. It has been overlooked because of the other votes, but it was no less important. That vote was the one that removed the Board Member's names as pre-printed proxies on our election ballots.

So, what exactly is a proxy? Well, if you examine our recent PIPOA Board election ballots, you will see it says at the top "Official Ballot by Proxy". All of our ballots are proxy ballots because of state law requirements. In our case, our proxy ballot requires the Board Secretary to record your vote selections exactly as you have marked. The Board Secretary is the proxy.

Now you are probably asking "So why, in the past, have Board Member names been listed also as a proxy?". What this allows a person to do is to assign the right to cast their vote to another person. In our case, if a homeowner did not want to select a candidate(s), they could assign that right to a separate proxy and that person would be allowed to make the choices. That person must be physically present at the meeting to cast the vote.

Most recent ballots have pre-printed the names of Board Members on the ballot as proxies followed by a blank line to allow you to write in a specific name. The Board Members names were pre-printed, supposedly, for convenience of homeowners who wanted to vote, but did not have any candidates selected.

This procedure has been criticized by many Members because it gives a possible edge to sitting Board Members being assigned a proxy. I am one of those who criticized this action.

But, there is another reason that pre-printing Board Member names should not occur. That being that it violates State of Texas Election Code:

Sec. 52.033. TITLES PROHIBITED. Except as otherwise provided by this subchapter, a title or designation of office, status, or position may not be used in conjunction with a candidate's name on the ballot.

So, in the case that a sitting Board Member is running for re-election, by including that Board Member's pre-printed name in the proxy section, they are identified as the incumbent Board Member which violates this statute.

Now, the stickler of this is that HOA elections are specifically excluded from Texas Election Code. But it seems to me, if it is a practice that is specifically disallowed in all other Texas elections, then that is because it is just not right. And I believe that as a best practice, we should be following Texas Election Code in our elections. It is designed to keep everything on a level playing field which is all any of us want. And I applaud our new Board for aligning our ballots with Texas State Code.