

REFERENCE TITLE: homeowners' associations; virtual meetings; proxies

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2279

Introduced by
Representative Blackman

AN ACT

AMENDING SECTIONS 33-1248, 33-1250, 33-1804 AND 33-1812, ARIZONA REVISED
STATUTES; RELATING TO PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1248, Arizona Revised Statutes, is amended to
3 read:

4 33-1248. Open meetings; exceptions; notice; agenda; policy
5 statement

6 A. Notwithstanding any provision in the declaration, bylaws or
7 other documents to the contrary, all meetings of the unit owners'
8 association and the board of directors, and any regularly scheduled
9 committee meetings, are open to all members of the association or any
10 person designated by a member in writing as the member's representative
11 and all members or designated representatives so desiring shall be allowed
12 to attend and speak at an appropriate time during the deliberations and
13 proceedings. The board may place reasonable time restrictions on those
14 persons speaking during the meeting but shall allow a member or a member's
15 designated representative to speak once after the board has discussed a
16 specific agenda item but before the board takes formal action on that item
17 in addition to any other opportunities to speak. The board shall provide
18 for a reasonable number of persons to speak on each side of an issue.
19 Persons attending may audiotape or videotape those portions of the
20 meetings of the board of directors and meetings of the members that are
21 open. The board of directors of the association shall not require advance
22 notice of the audiotaping or videotaping and may adopt reasonable rules
23 governing the audiotaping or videotaping of open portions of the meetings
24 of the board and the membership, but such rules shall not preclude such
25 audiotaping or videotaping by those attending, unless the board audiotapes
26 or videotapes the meeting and makes the unedited audiotapes or videotapes
27 available to members on request without restrictions on their use as
28 evidence in any dispute resolution process. Any portion of a meeting may
29 be closed only if that portion of the meeting is limited to consideration
30 of one or more of the following:

31 1. Legal advice from an attorney for the board or the association.
32 On final resolution of any matter for which the board received legal
33 advice or that concerned pending or contemplated litigation, the board may
34 disclose information about that matter in an open meeting except for
35 matters that are required to remain confidential by the terms of a
36 settlement agreement or judgment.

37 2. Pending or contemplated litigation.

38 3. Personal, health or financial information about an individual
39 member of the association, an individual employee of the association or an
40 individual employee of a contractor for the association, including records
41 of the association directly related to the personal, health or financial
42 information about an individual member of the association, an individual
43 employee of the association or an individual employee of a contractor for
44 the association.

1 4. Matters relating to the job performance of, compensation of,
2 health records of or specific complaints against an individual employee of
3 the association or an individual employee of a contractor of the
4 association who works under the direction of the association.

5 5. Discussion of a unit owner's appeal of any violation cited or
6 penalty imposed by the association except on request of the affected unit
7 owner that the meeting be held in an open session.

8 B. Notwithstanding any provision in the condominium documents, all
9 meetings of the unit owners' association and the board shall be held in
10 this state. A meeting of the unit owners' association shall be held at
11 least once each year. Special meetings of the unit owners' association
12 may be called by the president, by a majority of the board of directors or
13 by unit owners having at least twenty-five percent, or any lower
14 percentage specified in the bylaws, of the votes in the association. Not
15 fewer than ten or more than fifty days in advance of any meeting of the
16 unit owners, the secretary shall cause notice to be hand delivered or sent
17 prepaid by United States mail to the mailing address of each unit or to
18 any other mailing address designated in writing by the unit owner. The
19 notice of any meeting of the unit owners shall state the date, time and
20 place of the meeting. The notice of any annual, regular or special
21 meeting of the unit owners shall also state the purpose for which the
22 meeting is called, including the general nature of any proposed amendment
23 to the declaration or bylaws, any changes in assessments that require
24 approval of the unit owners and any proposal to remove a director or
25 officer. The secretary shall also provide an agenda for any meeting of
26 the unit owners' association by hand delivery, mail, website posting,
27 email or other electronic means or posting at a community center or other
28 similar location. The failure of any unit owner to receive actual notice
29 of a meeting of the unit owners or the meeting agenda does not affect the
30 validity of any action taken at that meeting.

31 C. Before entering into any closed portion of a meeting of the
32 board of directors, or on notice of a meeting under subsection D of this
33 section that will be closed, the board shall identify the paragraph under
34 subsection A of this section that authorizes the board to close the
35 meeting.

36 D. Notwithstanding any provision in the declaration, bylaws or
37 other condominium documents, for meetings of the board of directors that
38 are held after the termination of declarant control of the association,
39 notice to unit owners of meetings of the board of directors and meeting
40 agendas shall be given at least forty-eight hours in advance of the
41 meeting by newsletter, conspicuous posting or any other reasonable means
42 as determined by the board of directors. An affidavit of notice by an
43 officer of the association is prima facie evidence that notice was given
44 as prescribed by this section. Notice to unit owners of meetings of the
45 board of directors is not required if emergency circumstances require

1 action by the board before notice can be given. Any notice of a board
2 meeting shall state the date, time and place of the meeting. The failure
3 of any unit owner to receive actual notice of a meeting of the board of
4 directors or a meeting agenda does not affect the validity of any action
5 taken at that meeting.

6 E. Notwithstanding any provision in the declaration, bylaws or
7 other condominium documents, for meetings of the board of directors that
8 are held after the termination of declarant control of the association,
9 all of the following apply:

10 1. The agenda shall be available in advance for all unit owners
11 attending.

12 2. An emergency meeting of the board of directors may be called to
13 discuss business or take action that cannot be delayed for the forty-eight
14 hours required for notice. At any emergency meeting called by the board
15 of directors, the board of directors may act only on emergency
16 matters. The minutes of the emergency meeting shall state the reason
17 necessitating the emergency meeting. The minutes of the emergency meeting
18 shall be read and approved at the next regularly scheduled meeting of the
19 board of directors.

20 3. A quorum of the board of directors may meet by means of a
21 telephone conference if a speakerphone is available in the meeting room
22 that allows board members and unit owners to hear all parties who are
23 speaking during the meeting.

24 4. Any quorum of the board of directors that meets informally to
25 discuss association business, including workshops, shall comply with the
26 open meeting and notice provisions of this section without regard to
27 whether the board votes or takes any action on any matter at that informal
28 meeting.

29 F. NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR
30 OTHER ASSOCIATION DOCUMENTS TO THE CONTRARY AND SUBJECT TO THE
31 REQUIREMENTS OF THIS SECTION, MEETINGS OF THE UNIT OWNERS' ASSOCIATION AND
32 MEETINGS OF THE BOARD OF DIRECTORS MAY BE CONDUCTED BY AN ONLINE OR
33 VIRTUAL MEETING PLATFORM.

34 ~~F.~~ G. It is the policy of this state as reflected in this section
35 that all meetings of a condominium, whether meetings of the unit owners'
36 association or meetings of the board of directors of the association, be
37 conducted openly and that notices and agendas be provided in advance for
38 those meetings that contain the information that is reasonably necessary
39 to inform the unit owners of the matters to be discussed or decided and to
40 ensure that unit owners have the ability to speak after discussion of
41 agenda items, but before a vote of the board of directors or members is
42 taken. Toward this end, any person or entity that is charged with the
43 interpretation of these provisions, including members of the board of
44 directors and any community manager, shall take into account this

1 declaration of policy and shall construe any provision of this section in
2 favor of open meetings.

3 ~~H.~~ H. This section does not apply to timeshare plans or
4 associations that are subject to chapter 20 of this title.

5 Sec. 2. Section 33-1250, Arizona Revised Statutes, is amended to
6 read:

7 33-1250. Voting; proxies; absentee ballots; applicability;
8 definition

9 A. If only one of the multiple owners of a unit is present at a
10 meeting of the association, the owner is entitled to cast all the votes
11 allocated to that unit. If more than one of the multiple owners are
12 present, the votes allocated to that unit may be cast only in accordance
13 with the agreement of a majority in interest of the multiple owners unless
14 the declaration expressly provides otherwise. There is majority agreement
15 if any one of the multiple owners casts the votes allocated to that unit
16 without protest being made promptly to the person presiding over the
17 meeting by any of the other owners of the unit.

18 B. During the period of declarant control, votes allocated to a
19 unit may be cast pursuant to a proxy duly executed by a unit owner. If a
20 unit is owned by more than one person, each owner of the unit may vote or
21 register protest to the casting of votes by the other owners of the unit
22 through a duly executed proxy. A unit owner may not revoke a proxy given
23 pursuant to this section except by actual notice of revocation to the
24 person presiding over a meeting of the association. A proxy is void if it
25 is not dated or purports to be revocable without notice. The proxy is
26 revoked on presentation of a later dated proxy executed by the same unit
27 owner. A proxy terminates one year after its date, unless it specifies a
28 shorter term or unless it states that it is coupled with an interest and
29 is irrevocable.

30 ~~C. Notwithstanding any provision in the condominium documents,~~
31 ~~after termination of the period of declarant control, votes allocated to a~~
32 ~~unit may not be cast pursuant to a proxy. The association shall provide~~
33 ~~for votes to be cast in person and by absentee ballot and, in addition,~~
34 ~~the association may provide for voting by some other form of delivery,~~
35 ~~including the use of e-mail and fax delivery. Notwithstanding section~~
36 ~~10-3708 or the provisions of the condominium documents, any action taken~~
37 ~~at an annual, regular or special meeting of the members shall comply with~~
38 ~~all of the following if absentee ballots or ballots provided by some other~~
39 ~~form of delivery are used:~~

40 ~~1. The ballot shall set forth each proposed action.~~

41 ~~2. The ballot shall provide an opportunity to vote for or against~~
42 ~~each proposed action.~~

43 ~~3. The ballot is valid for only one specified election or meeting~~
44 ~~of the members and expires automatically after the completion of the~~
45 ~~election or meeting.~~

1 ~~4. The ballot specifies the time and date by which the ballot must~~
2 ~~be delivered to the board of directors in order to be counted, which shall~~
3 ~~be at least seven days after the date that the board delivers the unvoted~~
4 ~~ballot to the member.~~

5 ~~5. The ballot does not authorize another person to cast votes on~~
6 ~~behalf of the member.~~

7 ~~6. The completed ballot shall contain the name, the address and~~
8 ~~either the actual or electronic signature of the person voting, except~~
9 ~~that if the condominium documents permit secret ballots, only the envelope~~
10 ~~shall contain the name, the address and either the actual or electronic~~
11 ~~signature of the voter.~~

12 ~~7. Ballots, envelopes and related materials, including sign-in~~
13 ~~sheets if used, shall be retained in electronic or paper format and made~~
14 ~~available for unit owner inspection for at least one year after completion~~
15 ~~of the election.~~

16 ~~D. Votes cast by absentee ballot or other form of delivery,~~
17 ~~including the use of e-mail and fax delivery, are valid for the purpose of~~
18 ~~establishing a quorum.~~

19 C. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS,
20 AFTER THE TERMINATION OF THE PERIOD OF DECLARANT CONTROL, VOTES ALLOCATED
21 TO A UNIT MAY NOT BE CAST PURSUANT TO A PROXY. THE ASSOCIATION SHALL
22 PROVIDE FOR VOTES TO BE CAST IN COMPLIANCE WITH ALL OF THE FOLLOWING:

23 1. VOTES SHALL BE CAST IN PERSON AND BY ABSENTEE BALLOT IF VOTING
24 WILL OCCUR AT AN IN-PERSON MEETING OF THE UNIT OWNERS, OR BY WRITTEN
25 BALLOT IF VOTING WILL OCCUR WITHOUT A MEETING OF THE UNIT OWNERS OR IN
26 CONNECTION WITH AN ONLINE OR VIRTUAL MEETING OF THE UNIT OWNERS.

27 2. THE FORM OF THE ABSENTEE BALLOTS OR WRITTEN BALLOTS SHALL COMPLY
28 WITH ALL OF THE FOLLOWING:

29 (a) THE BALLOT SHALL SET FORTH EACH PROPOSED ACTION.

30 (b) THE BALLOT SHALL PROVIDE AN OPPORTUNITY TO VOTE FOR OR AGAINST
31 EACH PROPOSED ACTION EXCEPT IN THE CASE OF THE ELECTION OF DIRECTORS.

32 (c) THE BALLOT SHALL STATE THE REQUIRED QUORUM FOR EACH PROPOSED
33 ACTION.

34 (d) THE BALLOT SHALL STATE THE PERCENTAGE OF APPROVAL NECESSARY FOR
35 EACH PROPOSED ACTION OTHER THAN THE ELECTION OF DIRECTORS.

36 (e) THE BALLOT SHALL STATE THE TIME AND DATE BY WHICH THE BALLOT
37 MUST BE DELIVERED TO THE ASSOCIATION IN ORDER TO BE COUNTED, WHICH SHALL
38 BE AT LEAST SEVEN DAYS AFTER THE DATE THAT THE UNVOTED BALLOT IS DELIVERED
39 TO THE UNIT OWNER.

40 (f) THE BALLOT MAY NOT AUTHORIZE ANOTHER PERSON TO CAST VOTES ON
41 BEHALF OF THE UNIT OWNER.

42 (g) THE COMPLETED BALLOT SHALL CONTAIN THE NAME, THE ADDRESS AND
43 EITHER THE ACTUAL OR ELECTRONIC SIGNATURE OF THE PERSON VOTING, EXCEPT
44 THAT IF THE CONDOMINIUM DOCUMENTS ALLOW SECRET BALLOTS, THE NAME, THE

1 ADDRESS AND EITHER THE ACTUAL OR ELECTRONIC SIGNATURE OF THE VOTER SHALL
2 APPEAR ON THE ENVELOPE OR AS PART OF THE ELECTRONIC MEANS OF SUBMISSION.

3 3. THE ASSOCIATION SHALL DELIVER AN ABSENTEE BALLOT OR WRITTEN
4 BALLOT TO EVERY UNIT OWNER WHO IS ELIGIBLE TO VOTE NOT LATER THAN TEN DAYS
5 BEFORE THE DATE THAT THE COMPLETED BALLOT MUST BE DELIVERED TO THE
6 ASSOCIATION. DELIVERY OF AN ABSENTEE BALLOT OR WRITTEN BALLOT TO THE UNIT
7 OWNER MAY BE ACCOMPLISHED IN PERSON OR BY MAIL OR SOME FORM OF ELECTRONIC
8 DELIVERY AS DETERMINED BY THE BOARD.

9 4. THE METHOD OF DELIVERY OF ABSENTEE BALLOTS OR WRITTEN BALLOTS
10 FROM THE UNIT OWNER TO THE ASSOCIATION MAY INCLUDE MAIL OR IN-PERSON
11 DELIVERY TO A PERSON OR LOCATION DESIGNATED BY THE BOARD OR SOME FORM OF
12 ELECTRONIC DELIVERY, INCLUDING THE USE OF EMAIL, FAX OR AN ONLINE VOTING
13 SYSTEM THAT COMPLIES WITH SECTION 10-3708.

14 5. ABSENTEE BALLOTS OR WRITTEN BALLOTS THAT ARE TIMELY DELIVERED TO
15 THE ASSOCIATION SHALL COUNT TOWARD THE REQUIRED QUORUM FOR THE MEETING OR
16 ELECTION, AS APPLICABLE.

17 6. THE ABSENTEE BALLOT OR WRITTEN BALLOT IS VALID FOR ONLY ONE
18 SPECIFIED ELECTION OR MEETING OF THE UNIT OWNERS, AS APPLICABLE, AND
19 EXPIRES AUTOMATICALLY AFTER THE COMPLETION OF THE ELECTION OR MEETING.

20 7. BALLOTS, ENVELOPES AND RELATED MATERIALS, INCLUDING SIGN-IN
21 SHEETS IF USED, SHALL BE RETAINED IN ELECTRONIC OR PAPER FORMAT AND MADE
22 AVAILABLE FOR UNIT OWNER INSPECTION FOR AT LEAST ONE YEAR AFTER COMPLETION
23 OF THE ELECTION OR MEETING.

24 8. THIS SECTION DOES NOT PROHIBIT THE USE OF WRITTEN CONSENT IN
25 ACCORDANCE WITH SECTION 10-3704.

26 D. NOTWITHSTANDING THE CONDOMINIUM DOCUMENTS, THE QUORUM
27 REQUIREMENT FOR THE ANNUAL MEETING IS ONE-TENTH OF THE TOTAL NUMBER OF
28 VOTES ENTITLED TO BE CAST UNLESS THE CONDOMINIUM DOCUMENTS SPECIFY A
29 LESSER AMOUNT.

30 E. Notwithstanding subsection C of this section, an association for
31 a timeshare plan as defined in section 32-2197 may ~~permit~~ ALLOW votes by a
32 proxy that is duly executed by a unit owner.

33 F. If the declaration requires that votes on specified matters
34 affecting the condominium be cast by lessees rather than unit owners of
35 leased units all of the following apply:

36 1. ~~The provisions of~~ Subsections A and B of this section apply to
37 lessees as if they were unit owners.

38 2. Unit owners who have leased their units to other persons shall
39 not cast votes on those specified matters.

40 3. Lessees are entitled to notice of meetings, access to records
41 and other rights respecting those matters as if they were unit owners.
42 Unit owners shall also be given notice, in the manner prescribed in
43 section 33-1248, of all meetings at which lessees may be entitled to vote.

44 G. Unless the declaration provides otherwise, votes allocated to a
45 unit owned by the association shall not be cast.

1 H. This section does not apply to timeshare plans or associations
2 that are subject to chapter 20 of this title.

3 I. For the purposes of this section, "period of declarant control"
4 means the time during which the declarant or persons designated by the
5 declarant may elect or appoint the members of the board of directors
6 pursuant to the condominium documents or by virtue of superior voting
7 power.

8 Sec. 3. Section 33-1804, Arizona Revised Statutes, is amended to
9 read:

10 33-1804. Open meetings; exceptions; notice; agenda; policy
11 statement

12 A. Notwithstanding any provision in the declaration, bylaws or
13 other documents to the contrary, all meetings of the members' association
14 and the board of directors, and any regularly scheduled committee
15 meetings, are open to all members of the association or any person
16 designated by a member in writing as the member's representative and all
17 members or designated representatives so desiring shall be allowed to
18 attend and speak at an appropriate time during the deliberations and
19 proceedings. The board may place reasonable time restrictions on those
20 persons speaking during the meeting but shall allow a member or member's
21 designated representative to speak once after the board has discussed a
22 specific agenda item but before the board takes formal action on that item
23 in addition to any other opportunities to speak. The board shall provide
24 for a reasonable number of persons to speak on each side of an issue.
25 Persons attending may audiotape or videotape those portions of the
26 meetings of the board of directors and meetings of the members that are
27 open. The board of directors of the association shall not require advance
28 notice of the audiotaping or videotaping and may adopt reasonable rules
29 governing the audiotaping and videotaping of open portions of the meetings
30 of the board and the membership, but such rules shall not preclude such
31 audiotaping or videotaping by those attending, unless the board audiotapes
32 or videotapes the meeting and makes the unedited audiotapes or videotapes
33 available to members on request without restrictions on their use as
34 evidence in any dispute resolution process. Any portion of a meeting may
35 be closed only if that closed portion of the meeting is limited to
36 consideration of one or more of the following:

37 1. Legal advice from an attorney for the board or the association.
38 On final resolution of any matter for which the board received legal
39 advice or that concerned pending or contemplated litigation, the board may
40 disclose information about that matter in an open meeting except for
41 matters that are required to remain confidential by the terms of a
42 settlement agreement or judgment.

43 2. Pending or contemplated litigation.

44 3. Personal, health or financial information about an individual
45 member of the association, an individual employee of the association or an

1 individual employee of a contractor for the association, including records
2 of the association directly related to the personal, health or financial
3 information about an individual member of the association, an individual
4 employee of the association or an individual employee of a contractor for
5 the association.

6 4. Matters relating to the job performance of, compensation of,
7 health records of or specific complaints against an individual employee of
8 the association or an individual employee of a contractor of the
9 association who works under the direction of the association.

10 5. Discussion of a member's appeal of any violation cited or
11 penalty imposed by the association except on request of the affected
12 member that the meeting be held in an open session.

13 B. Notwithstanding any provision in the community documents, all
14 meetings of the members' association and the board shall be held in this
15 state. A meeting of the members' association shall be held at least once
16 each year. Special meetings of the members' association may be called by
17 the president, by a majority of the board of directors or by members
18 having at least twenty-five percent, or any lower percentage specified in
19 the bylaws, of the votes in the association. Not fewer than ten or more
20 than fifty days in advance of any meeting of the members the secretary
21 shall cause notice to be hand delivered or sent prepaid by United States
22 mail to the mailing address for each lot, parcel or unit owner or to any
23 other mailing address designated in writing by a member. The notice shall
24 state the date, time and place of the meeting. A notice of any annual,
25 regular or special meeting of the members shall also state the purpose for
26 which the meeting is called, including the general nature of any proposed
27 amendment to the declaration or bylaws, changes in assessments that
28 require approval of the members and any proposal to remove a director or
29 an officer. The secretary shall also provide an agenda for any meeting of
30 the members' association by hand delivery, mail, website posting, email or
31 other electronic means or posting at a community center or other similar
32 location. The failure of any member to receive actual notice of a meeting
33 of the members or the meeting agenda does not affect the validity of any
34 action taken at that meeting.

35 C. Before entering into any closed portion of a meeting of the
36 board of directors, or on notice of a meeting under subsection D of this
37 section that will be closed, the board shall identify the paragraph under
38 subsection A of this section that authorizes the board to close the
39 meeting.

40 D. Notwithstanding any provision in the declaration, bylaws or
41 other community documents, for meetings of the board of directors that are
42 held after the termination of declarant control of the association, notice
43 to members of meetings of the board of directors and meeting agendas shall
44 be given at least forty-eight hours in advance of the meeting by
45 newsletter, conspicuous posting or any other reasonable means as

1 determined by the board of directors. An affidavit of notice by an
2 officer of the corporation is prima facie evidence that notice was given
3 as prescribed by this section. Notice to members of meetings of the board
4 of directors is not required if emergency circumstances require action by
5 the board before notice can be given. Any notice of a board meeting shall
6 state the date, time and place of the meeting. The failure of any member
7 to receive actual notice of a meeting of the board of directors or a
8 meeting agenda does not affect the validity of any action taken at that
9 meeting.

10 E. Notwithstanding any provision in the declaration, bylaws or
11 other community documents, for meetings of the board of directors that are
12 held after the termination of declarant control of the association, all of
13 the following apply:

14 1. The agenda shall be available in advance for all members
15 attending.

16 2. An emergency meeting of the board of directors may be called to
17 discuss business or take action that cannot be delayed for the forty-eight
18 hours required for notice. At any emergency meeting called by the board
19 of directors, the board of directors may act only on emergency
20 matters. The minutes of the emergency meeting shall state the reason
21 necessitating the emergency meeting. The minutes of the emergency meeting
22 shall be read and approved at the next regularly scheduled meeting of the
23 board of directors.

24 3. A quorum of the board of directors may meet by means of a
25 telephone conference if a speakerphone is available in the meeting room
26 that allows board members and association members to hear all parties who
27 are speaking during the meeting.

28 4. Any quorum of the board of directors that meets informally to
29 discuss association business, including workshops, shall comply with the
30 open meeting and notice provisions of this section without regard to
31 whether the board votes or takes any action on any matter at that informal
32 meeting.

33 F. NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR
34 OTHER ASSOCIATION DOCUMENTS TO THE CONTRARY AND SUBJECT TO THE
35 REQUIREMENTS OF THIS SECTION, MEETINGS OF THE MEMBERS' ASSOCIATION AND
36 MEETINGS OF THE BOARD OF DIRECTORS MAY BE CONDUCTED BY AN ONLINE OR
37 VIRTUAL MEETING PLATFORM.

38 ~~F.~~ G. It is the policy of this state as reflected in this section
39 that all meetings of a planned community, whether meetings of the members'
40 association or meetings of the board of directors of the association, be
41 conducted openly and that notices and agendas be provided in advance for
42 those meetings that contain the information that is reasonably necessary
43 to inform the members of the matters to be discussed or decided and to
44 ensure that members have the ability to speak after discussion of agenda
45 items, but before a vote of the board of directors or members is

1 taken. Toward this end, any person or entity that is charged with the
2 interpretation of these provisions, including members of the board of
3 directors and any community manager, shall take into account this
4 declaration of policy and shall construe any provision of this section in
5 favor of open meetings.

6 Sec. 4. Section 33-1812, Arizona Revised Statutes, is amended to
7 read:

8 33-1812. Proxies; absentee ballots; definition

9 A. Notwithstanding any provision in the community documents, after
10 termination of the period of declarant control, votes allocated to a ~~unit~~
11 ~~LOT~~ may not be cast pursuant to a proxy. The association shall provide
12 for votes to be cast **IN COMPLIANCE WITH ALL OF THE FOLLOWING:**

13 1. **VOTES SHALL BE CAST** in person and by absentee ballot ~~and, in~~
14 ~~addition, the association may provide for voting by some other form of~~
15 ~~delivery, including the use of e-mail and fax delivery. Notwithstanding~~
16 ~~section 10-3708 or the provisions of the community documents, any action~~
17 ~~taken at an annual, regular or special meeting of the members shall comply~~
18 ~~with all of the following if absentee ballots or ballots provided by some~~
19 ~~other form of delivery are used:~~ **IF VOTING WILL OCCUR AT AN IN-PERSON**
20 **MEETING OF THE MEMBERS OR BY WRITTEN BALLOT IF VOTING WILL OCCUR WITHOUT A**
21 **MEETING OF THE MEMBERS OR IN CONNECTION WITH AN ONLINE OR VIRTUAL MEETING**
22 **OF THE MEMBERS.**

23 2. **THE FORM OF THE ABSENTEE BALLOTS OR WRITTEN BALLOTS SHALL COMPLY**
24 **WITH ALL OF THE FOLLOWING:**

25 ~~1.~~ (a) The ballot shall set forth each proposed action.

26 ~~2.~~ (b) The ballot shall provide an opportunity to vote for or
27 against each proposed action, **EXCEPT IN THE CASE OF AN ELECTION OF**
28 **DIRECTORS.**

29 (c) **THE BALLOT SHALL STATE THE REQUIRED QUORUM FOR EACH PROPOSED**
30 **ACTION.**

31 (d) **THE BALLOT SHALL STATE THE PERCENTAGE OF APPROVAL NECESSARY FOR**
32 **EACH PROPOSED ACTION OTHER THAN AN ELECTION OF DIRECTORS.**

33 ~~3.~~ (e) The **ABSENTEE OR WRITTEN** ballot is valid for only one
34 specified election or meeting of the members, **AS APPLICABLE**, and expires
35 automatically after the completion of the election or meeting.

36 ~~4.~~ (f) The ballot ~~specifies~~ **SHALL STATE** the time and date by which
37 the ballot must be delivered to the board of directors in order to be
38 counted, which shall be at least seven days after the date that ~~the board~~
39 ~~delivers~~ the unvoted ballot **IS DELIVERED** to the member.

40 ~~5.~~ (g) The ballot ~~does~~ **MAY** not authorize another person to cast
41 votes on behalf of the member.

42 ~~6.~~ (h) The completed ballot shall contain the name, address and
43 **EITHER THE ACTUAL OR ELECTRONIC** signature of the person voting, except
44 that if the community documents ~~permit~~ **ALLOW** secret ballots, ~~only the~~
45 ~~envelope shall contain~~ the name, address and **EITHER THE ACTUAL OR**

1 ELECTRONIC signature of the voter SHALL APPEAR ON THE ENVELOPE OR AS PART
2 OF THE ELECTRONIC MEANS OF SUBMISSION.

3 3. THE ASSOCIATION SHALL DELIVER AN ABSENTEE BALLOT OR WRITTEN
4 BALLOT TO EVERY MEMBER WHO IS ELIGIBLE TO VOTE NOT LATER THAN TEN DAYS
5 BEFORE THE DATE THAT THE COMPLETED BALLOT MUST BE DELIVERED TO THE
6 ASSOCIATION. DELIVERY OF AN ABSENTEE BALLOT OR WRITTEN BALLOT TO THE
7 MEMBER MAY BE ACCOMPLISHED IN PERSON OR BY MAIL OR SOME FORM OF ELECTRONIC
8 DELIVERY AS DETERMINED BY THE BOARD.

9 4. THE METHOD OF DELIVERY OF ABSENTEE BALLOTS OR WRITTEN BALLOTS
10 FROM THE MEMBER TO THE ASSOCIATION MAY INCLUDE MAIL OR IN-PERSON DELIVERY
11 TO A PERSON OR LOCATION DESIGNATED BY THE BOARD OR SOME FORM OF ELECTRONIC
12 DELIVERY, INCLUDING THE USE OF EMAIL, FAX OR AN ONLINE VOTING SYSTEM THAT
13 COMPLIES WITH SECTION 10-3708.

14 5. ABSENTEE BALLOTS OR WRITTEN BALLOTS THAT ARE TIMELY DELIVERED TO
15 THE ASSOCIATION SHALL COUNT TOWARD THE REQUIRED QUORUM FOR THE MEETING OR
16 ELECTION, AS APPLICABLE.

17 ~~7.~~ 6. Ballots, envelopes and related materials, including sign-in
18 sheets if used, shall be retained in electronic or paper format and made
19 available for member inspection for at least one year after completion of
20 the election OR MEETING.

21 ~~B. Votes cast by absentee ballot or other form of delivery,~~
22 ~~including the use of e-mail and fax delivery, are valid for the purpose of~~
23 ~~establishing a quorum.~~

24 B. NOTWITHSTANDING THE COMMUNITY DOCUMENTS, THE QUORUM REQUIREMENT
25 FOR THE ANNUAL MEETING IS ONE-TENTH OF THE TOTAL NUMBER OF VOTES ENTITLED
26 TO BE CAST UNLESS THE COMMUNITY DOCUMENTS SPECIFY A LESSER AMOUNT.

27 C. THIS SECTION DOES NOT PROHIBIT THE USE OF WRITTEN CONSENT IN
28 ACCORDANCE WITH SECTION 10-3704.

29 ~~E.~~ D. Notwithstanding subsection A of this section, an association
30 for a timeshare plan as defined in section 32-2197 may ~~permit~~ ALLOW votes
31 by a proxy that is duly executed by a ~~unit owner~~ MEMBER.

32 ~~D.~~ E. For the purposes of this section, "period of declarant
33 control" means the time during which the declarant or persons designated
34 by the declarant may elect or appoint the members of the board of
35 directors pursuant to the community documents or by virtue of superior
36 voting power.