

REFERENCE TITLE: homeowners' associations; cumulative voting; prohibition

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2353

Introduced by
Representatives Crews: Travers, Villegas

AN ACT

AMENDING SECTIONS 33-1250 AND 33-1812, ARIZONA REVISED STATUTES; RELATING
TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1250, Arizona Revised Statutes, is amended to
3 read:

4 33-1250. Voting; proxies; absentee ballots; cumulative
5 voting; applicability; definition

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

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

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

37 1. The ballot shall set forth each proposed action.

38 2. The ballot shall provide an opportunity to vote for or against
39 each proposed action.

40 3. The ballot is valid for only one specified election or meeting
41 of the members and expires automatically after the completion of the
42 election or meeting.

43 4. The ballot specifies the time and date by which the ballot must
44 be delivered to the board of directors in order to be counted, which shall

1 be at least seven days after the date that the board delivers the unvoted
2 ballot to the member.

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

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

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

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

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

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

23 1. The provisions of subsections A and B of this section apply to
24 lessees as if they were unit owners.

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

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

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

33 H. NOTWITHSTANDING TITLE 10, CHAPTER 30 AND ANY PROVISION IN THE
34 CONDOMINIUM DOCUMENTS, AN ASSOCIATION MAY NOT USE A PROCESS WHEREBY UNIT
35 OWNERS CUMULATE THEIR VOTES BY MULTIPLYING THE NUMBER OF VOTES THEY ARE
36 ENTITLED TO CAST BY THE NUMBER OF DIRECTORS FOR WHOM THEY ARE ENTITLED TO
37 VOTE AND CAST THE PRODUCT FOR A SINGLE CANDIDATE OR DISTRIBUTE THE PRODUCT
38 AMONG TWO OR MORE CANDIDATES, OTHERWISE KNOWN AS CUMULATIVE VOTING. THIS
39 SUBSECTION DOES NOT PROHIBIT A PERSON WHO OWNS MORE THAN ONE UNIT FROM
40 CASTING A BALLOT FOR EACH UNIT OWNED.

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

43 ~~I.~~ J. For the purposes of this section, "period of declarant
44 control" means the time during which the declarant or persons designated
45 by the declarant may elect or appoint the members of the board of

1 directors pursuant to the condominium documents or by virtue of superior
2 voting power.

3 Sec. 2. Section 33-1812, Arizona Revised Statutes, is amended to
4 read:

5 33-1812. Proxies; absentee ballots; cumulative voting;
6 definition

7 A. Notwithstanding any provision in the community documents, after
8 termination of the period of declarant control, votes allocated to a unit
9 may not be cast pursuant to a proxy. The association shall provide for
10 votes to be cast in person and by absentee ballot and, in addition, the
11 association may provide for voting by some other form of delivery,
12 including the use of e-mail and fax delivery. Notwithstanding section
13 10-3708 or the provisions of the community documents, any action taken at
14 an annual, regular or special meeting of the members shall comply with all
15 of the following if absentee ballots or ballots provided by some other
16 form of delivery are used:

17 1. The ballot shall set forth each proposed action.

18 2. The ballot shall provide an opportunity to vote for or against
19 each proposed action.

20 3. The ballot is valid for only one specified election or meeting
21 of the members and expires automatically after the completion of the
22 election or meeting.

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

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

29 6. The completed ballot shall contain the name, address and
30 signature of the person voting, except that if the community documents
31 permit secret ballots, only the envelope shall contain the name, address
32 and signature of the voter.

33 7. Ballots, envelopes and related materials, including sign-in
34 sheets if used, shall be retained in electronic or paper format and made
35 available for member inspection for at least one year after completion of
36 the election.

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

40 C. NOTWITHSTANDING TITLE 10, CHAPTER 30 AND ANY PROVISION IN THE
41 COMMUNITY DOCUMENTS, AN ASSOCIATION MAY NOT USE A PROCESS WHEREBY MEMBERS
42 CUMULATE THEIR VOTES BY MULTIPLYING THE NUMBER OF VOTES THEY ARE ENTITLED
43 TO CAST BY THE NUMBER OF DIRECTORS FOR WHOM THEY ARE ENTITLED TO VOTE AND
44 CAST THE PRODUCT FOR A SINGLE CANDIDATE OR DISTRIBUTE THE PRODUCT AMONG
45 TWO OR MORE CANDIDATES, OTHERWISE KNOWN AS CUMULATIVE VOTING. THIS

1 SUBSECTION DOES NOT PROHIBIT A PERSON WHO OWNS MORE THAN ONE PROPERTY FROM
2 CASTING A BALLOT FOR EACH PROPERTY OWNED.

3 ~~C.~~ D. Notwithstanding subsection A of this section, an association
4 for a timeshare plan as defined in section 32-2197 may permit votes by a
5 proxy that is duly executed by a unit owner.

6 ~~D.~~ E. For the purposes of this section, "period of declarant
7 control" means the time during which the declarant or persons designated
8 by the declarant may elect or appoint the members of the board of
9 directors pursuant to the community documents or by virtue of superior
10 voting power.