

REFERENCE TITLE: homeowners' association; virtual meetings; proxies

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

HB 2613

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~~ THE rules shall not preclude
25 ~~such~~ THE audiotaping or videotaping by those attending, unless the board
26 audiotapes or videotapes the meeting and makes the unedited audiotapes or
27 videotapes available to members on request without restrictions on their
28 use as evidence in any dispute resolution process. If a board records a
29 meeting that is open to the members, the board shall keep a copy of the
30 recording for at least six months and make the unedited recording
31 available to any member on request in compliance with section 33-1258,
32 subsection A. Any portion of a meeting may be closed only if that portion
33 of the meeting is limited to consideration of one or more of the
34 following:

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

41 2. Pending or contemplated litigation.

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

1 information about an individual member of the association, an individual
2 employee of the association or an individual employee of a contractor for
3 the association.

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

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

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

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

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

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

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

13 1. The agenda shall be available in advance for all unit owners
14 attending.

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

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

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

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

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

1 interpretation of these provisions, including members of the board of
2 directors and any community manager, shall take into account this
3 declaration of policy and shall construe any provision of this section in
4 favor of open meetings.

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

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

9 33-1250. Voting; proxies; absentee ballots; applicability;
10 definition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) THE COMPLETED BALLOT SHALL CONTAIN THE NAME, THE ADDRESS AND EITHER THE ACTUAL OR ELECTRONIC SIGNATURE OF THE PERSON VOTING, EXCEPT THAT IF THE CONDOMINIUM DOCUMENTS ALLOW SECRET BALLOTS, THE NAME, THE ADDRESS AND EITHER THE ACTUAL OR ELECTRONIC SIGNATURE OF THE VOTER SHALL APPEAR ON THE ENVELOPE OR AS PART OF THE ELECTRONIC MEANS OF SUBMISSION.

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

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

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

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

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

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

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

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

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

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

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

3. Lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were unit owners.

1 Unit owners shall also be given notice, in the manner prescribed in
2 section 33-1248, of all meetings at which lessees may be entitled to vote.

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

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

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

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

14 33-1804. Open meetings; exceptions; notice; agenda; policy
15 statement

16 A. Notwithstanding any provision in the declaration, bylaws or
17 other documents to the contrary, all meetings of the members' association
18 and the board of directors, and any regularly scheduled committee
19 meetings, are open to all members of the association or any person
20 designated by a member in writing as the member's representative and all
21 members or designated representatives so desiring shall be allowed to
22 attend and speak at an appropriate time during the deliberations and
23 proceedings. The board may place reasonable time restrictions on those
24 persons speaking during the meeting but shall allow a member or member's
25 designated representative to speak once after the board has discussed a
26 specific agenda item but before the board takes formal action on that item
27 in addition to any other opportunities to speak. The board shall provide
28 for a reasonable number of persons to speak on each side of an issue.
29 Persons attending may audiotape or videotape those portions of the
30 meetings of the board of directors and meetings of the members that are
31 open. The board of directors of the association shall not require advance
32 notice of the audiotaping or videotaping and may adopt reasonable rules
33 governing the audiotaping and videotaping of open portions of the meetings
34 of the board and the membership, but ~~such~~ **THE** rules shall not preclude
35 ~~such~~ **THE** audiotaping or videotaping by those attending, unless the board
36 audiotapes or videotapes the meeting and makes the unedited audiotapes or
37 videotapes available to members on request without restrictions on their
38 use as evidence in any dispute resolution process. If a board records a
39 meeting that is open to the members, the board shall keep a copy of the
40 recording for at least six months and make the unedited recording
41 available to any member on request in compliance with section 33-1805,
42 subsection A. Any portion of a meeting may be closed only if that closed
43 portion of the meeting is limited to consideration of one or more of the
44 following:

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

7 2. Pending or contemplated litigation.

8 3. Personal, health or financial information about an individual
9 member of the association, an individual employee of the association or an
10 individual employee of a contractor for the association, including records
11 of the association directly related to the personal, health or financial
12 information about an individual member of the association, an individual
13 employee of the association or an individual employee of a contractor for
14 the association.

15 4. Matters relating to the job performance of, compensation of,
16 health records of or specific complaints against an individual employee of
17 the association or an individual employee of a contractor of the
18 association who works under the direction of the association.

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

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

44 C. Before entering into any closed portion of a meeting of the
45 board of directors, or on notice of a meeting under subsection D of this

1 section that will be closed, the board shall identify the paragraph under
2 subsection A of this section that authorizes the board to close the
3 meeting.

4 D. Notwithstanding any provision in the declaration, bylaws or
5 other community documents, for meetings of the board of directors that are
6 held after the termination of declarant control of the association, notice
7 to members of meetings of the board of directors and meeting agendas shall
8 be given at least forty-eight hours in advance of the meeting by
9 newsletter, conspicuous posting or any other reasonable means as
10 determined by the board of directors. An affidavit of notice by an
11 officer of the corporation is prima facie evidence that notice was given
12 as prescribed by this section. Notice to members of meetings of the board
13 of directors is not required if emergency circumstances require action by
14 the board before notice can be given. Any notice of a board meeting shall
15 state the date, time and place of the meeting. The failure of any member
16 to receive actual notice of a meeting of the board of directors or a
17 meeting agenda does not affect the validity of any action taken at that
18 meeting.

19 E. Notwithstanding any provision in the declaration, bylaws or
20 other community documents, for meetings of the board of directors that are
21 held after the termination of declarant control of the association, all of
22 the following apply:

23 1. The agenda shall be available in advance for all members
24 attending.

25 2. An emergency meeting of the board of directors may be called to
26 discuss business or take action that cannot be delayed for the forty-eight
27 hours required for notice. At any emergency meeting called by the board
28 of directors, the board of directors may act only on emergency matters.
29 The minutes of the emergency meeting shall state the reason necessitating
30 the emergency meeting. The minutes of the emergency meeting shall be read
31 and approved at the next regularly scheduled meeting of the board of
32 directors.

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

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

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

~~F.~~ G. It is the policy of this state as reflected in this section that all meetings of a planned community, whether meetings of the members' association or meetings of the board of directors of the association, be conducted openly and that notices and agendas be provided in advance for those meetings that contain the information that is reasonably necessary to inform the members of the matters to be discussed or decided and to ensure that members have the ability to speak after discussion of agenda items, but before a vote of the board of directors or members is taken. Toward this end, any person or entity that is charged with the interpretation of these provisions, including members of the board of directors and any community manager, shall take into account this declaration of policy and shall construe any provision of this section in favor of open meetings.

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

33-1812. Proxies; absentee ballots; definition

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

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

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

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

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

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

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

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

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

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

10 ~~6.~~ (h) The completed ballot shall contain the name, address and
11 EITHER THE ACTUAL OR ELECTRONIC signature of the person voting, except
12 that if the community documents ~~permit~~ ALLOW secret ballots, ~~only the~~
13 ~~envelope shall contain~~ the name, address and EITHER THE ACTUAL OR
14 ELECTRONIC signature of the voter SHALL APPEAR ON THE ENVELOPE OR AS PART
15 OF THE ELECTRONIC MEANS OF SUBMISSION.

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

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

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

30 ~~7.~~ 6. Ballots, envelopes and related materials, including sign-in
31 sheets if used, shall be retained in electronic or paper format and made
32 available for member inspection for at least one year after completion of
33 the election OR MEETING.

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

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

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

1 ~~C.~~ D. Notwithstanding subsection A of this section, an association
2 for a timeshare plan as defined in section 32-2197 may ~~permit~~ ALLOW votes
3 by a proxy that is duly executed by a ~~unit owner~~ MEMBER.
4 ~~D.~~ E. For the purposes of this section, "period of declarant
5 control" means the time during which the declarant or persons designated
6 by the declarant may elect or appoint the members of the board of
7 directors pursuant to the community documents or by virtue of superior
8 voting power.