

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0156.01 Jennifer Berman x3286

SENATE BILL 22-059

SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Hooton and Ransom,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS REGARDING A PROXY THAT A UNIT OWNER
102 IN A COMMON INTEREST COMMUNITY OBTAINS FROM ANOTHER
103 UNIT OWNER IN THE COMMON INTEREST COMMUNITY TO VOTE
104 ON BEHALF OF THE OTHER UNIT OWNER AT A MEETING OF THE
105 UNIT OWNERS' ASSOCIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a unit owner living in a common interest community (community) may grant another unit owner in the community

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a proxy to vote on behalf of the first unit owner at a unit owners' association (association) meeting. The proxy may be granted for any purpose and for multiple association meetings, and automatically terminates after 11 months unless the proxy itself provides for an earlier or later termination date.

The bill limits the duration of a proxy to 11 months and requires that the proxy state the specific association meeting and specific matters for which it is granted. For the proxy holder to vote at a different meeting or on different matters than the ones stated in the proxy, the proxy holder must seek further authorization. The bill also requires that for associations with 50 or more units, a proxy holder cannot hold proxies representing more than 5% of the units unless proxies representing more than 5% of the units are granted solely for the purpose of establishing a quorum for an association meeting.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-310, **amend**
3 (2)(a) and (2)(b); and **add** (2)(b.5) and (2)(b.7) as follows:

4 **38-33.3-310. Voting - proxies.** (2) (a) EXCEPT AS PROVIDED IN
5 SUBSECTIONS (2)(b.5) AND (2)(b.7) OF THIS SECTION, votes allocated to a
6 unit may be cast pursuant to a proxy duly executed by a unit owner. A
7 proxy ~~shall~~ IS not ~~be~~ valid if obtained through fraud or misrepresentation.
8 Unless otherwise provided in the declaration, bylaws, or rules of the
9 association, appointment of proxies may be made substantially as
10 provided in section 7-127-203. ~~C.R.S.~~

11 (b) If a unit is owned by more than one person, each owner of the
12 unit may vote or register A protest to the casting of votes by the other
13 owners of the unit through a duly executed proxy. A unit owner may not
14 revoke a proxy given pursuant to this section except by actual notice of
15 revocation to the person presiding over a meeting of the association. A
16 proxy is void if it is not dated or purports to be revocable without notice.
17 A proxy terminates eleven months after its date, unless it ~~provides~~

1 ~~otherwise~~ THE PROXY ITSELF INDICATES AN EARLIER TERMINATION DATE.

2 (b.5) TO BE VALID, A PROXY MUST STATE THE SPECIFIC
3 ASSOCIATION MEETING AND SPECIFIC MATTER FOR WHICH THE PROXY HAS
4 BEEN GRANTED. FOR A PROXY HOLDER TO VOTE AT A DIFFERENT MEETING
5 OR ON DIFFERENT MATTERS THAN THE MEETING OR MATTERS STATED IN
6 THE PROXY ITSELF, THE PROXY HOLDER MUST SEEK FURTHER
7 AUTHORIZATION FROM THE UNIT OWNER WHO GRANTED THE PROXY.

8 (b.7) FOR ASSOCIATIONS WITH FIFTY OR MORE UNITS, A PROXY
9 HOLDER MAY HOLD PROXIES REPRESENTING NO MORE THAN FIVE PERCENT
10 OF THE UNITS IN THE ASSOCIATION; EXCEPT THAT A PROXY HOLDER MAY
11 HOLD PROXIES REPRESENTING MORE THAN FIVE PERCENT OF THE UNITS IN
12 THE ASSOCIATION IF SUCH PROXIES REPRESENTING GREATER THAN FIVE
13 PERCENT OF THE UNITS ARE GRANTED SOLELY FOR THE PURPOSE OF
14 ESTABLISHING A QUORUM TO HOLD AN ASSOCIATION MEETING.

15 **SECTION 2. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly; except that, if a referendum petition is filed pursuant
19 to section 1 (3) of article V of the state constitution against this act or an
20 item, section, or part of this act within such period, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2022 and, in such case, will take
23 effect on the date of the official declaration of the vote thereon by the
24 governor.

25 (2) This act applies to unit owners' association meetings occurring
26 on or after the applicable effective date of this act.