

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0156.01 Jennifer Berman x3286

SENATE BILL 22-059

SENATE SPONSORSHIP

Holbert, Ginal, Moreno, Priola, Scott, Smallwood

HOUSE SPONSORSHIP

Hooton and Ransom,

Senate Committees

Local Government

House Committees

Transportation & Local Government

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.

HOUSE
2nd Reading Unamended
March 4, 2022

SENATE
3rd Reading Unamended
February 22, 2022

SENATE
Amended 2nd Reading
February 18, 2022

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)(b) as follows:

4 **38-33.3-310. Voting - proxies. (2) (b) If a unit is owned by more**
5 **than one person, each owner of the** unit may vote or register A protest to
6 the casting of votes by the other owners of the unit through a duly
7 executed proxy. A unit owner may not revoke a proxy given pursuant to
8 this section except by actual notice of revocation to the person presiding
9 over a meeting of the association. A proxy is void if it is not dated or
10 purports to be revocable without notice. A proxy terminates eleven
11 months after its date, unless ~~it provides otherwise~~ THE PROXY ITSELF
12 INDICATES AN EARLIER TERMINATION DATE.

13 **SECTION 2. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly; except that, if a referendum petition is filed pursuant
17

1 to section 1 (3) of article V of the state constitution against this act or an
2 item, section, or part of this act within such period, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2022 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.

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