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Proposed Amendment to SB 100
Section 46

Add new subsections (4) and (5) to Section 46 as follows:

4. Notwithstanding any provisions in the declaration, the election of any delegates or representatives must be conducted by secret written ballot. The secretary or other officer of the association specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the units owner.

- (a) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.
- (b) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.
- (c) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

PROPOSED BY: Mike Schneider

ASSEMBLY JUDICIARY

DATE: 5/14/03 ROOM: 3138 EXHIBIT C

SUBMITTED BY: Senator Schneider