

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1795 Session of 2021

INTRODUCED BY R. BROWN, RADER, HELM, M. MACKENZIE, CIRESI, GAYDOS AND T. DAVIS, AUGUST 17, 2021

SENATOR PITTMAN, URBAN AFFAIRS AND HOUSING, IN SENATE, AS AMENDED, SEPTEMBER 21, 2022

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to condominiums, further providing for definitions;
4 in management of the condominium, further providing for
5 executive board members and officers, for bylaws and, for <--
6 meetings AND FOR VOTING AND PROXIES; in general provisions <--
7 relating to cooperatives, further providing for definitions;
8 in creation, alteration and termination of cooperatives,
9 further providing for master associations; in management of
10 cooperatives, further providing for bylaws and, for meetings <--
11 AND FOR VOTING AND PROXIES; in general provisions relating to <--
12 planned communities, further providing for definitions; in
13 creation, alteration and termination of planned communities,
14 further providing for master associations; and, in management
15 of planned community, further providing for bylaws and, for <--
16 meetings AND FOR VOTING AND PROXIES. <--

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 3103 of Title 68 of the Pennsylvania
20 Consolidated Statutes is amended by adding definitions to read:
21 § 3103. Definitions.

22 The following words and phrases when used in this subpart and
23 in the declaration and bylaws shall have the meanings given to
24 them in this section unless specifically provided otherwise or

1 unless the context clearly indicates otherwise:

2 * * *

3 "IMMEDIATE FAMILY." A PARENT, SPOUSE, CHILD, BROTHER OR <--
4 SISTER.

5 "Independent reviewer." A person who is selected by the
6 declarant or a majority of the unit owners EXECUTIVE BOARD of a <--
7 condominium and satisfies all of the following:

8 (1) Holds a certificate issued by the Commonwealth as a
9 certified public accountant, is licensed to practice law in
10 this Commonwealth AND SPECIALIZES IN CONDOMINIUMS OR REAL <--
11 ESTATE LAW or is a vote management system.

12 (2) Is not a unit owner, directly or indirectly.

13 (3) Has no immediate family relationship with the
14 declarant, a unit owner or a condominium manager.

15 (4) Has no financial interest shared with the declarant,
16 a unit owner or a condominium manager.

17 (5) If compensated by the declarant, a director, the
18 association or a condominium manager, has disclosed the terms
19 of the compensation to all unit owners at a scheduled
20 meeting.

21 * * *

22 "Vote management system." A third-party vendor who operates
23 a digital or subscription service that securely manages the
24 conduct of elections and voting procedures.

25 * * *

26 Section 2. Section 3303(d) and (e) of Title 68 are amended
27 and the section is amended by adding a subsection to read:

28 § 3303. Executive board members and officers.

29 * * *

30 (d) Election of members during transfer of declarant

1 control.--

2 (1) Not later than 60 days after conveyance of 25% of
3 the units to unit owners other than a declarant, not less
4 than 25% of the members of the executive board shall be
5 elected by unit owners other than the declarant.

6 (2) Not later than 60 days after conveyance of 50% of
7 the units to unit owners other than a declarant, not less
8 than 33 1/3% of the members of the executive board shall be
9 elected by unit owners other than the declarant.

10 (3) A vote by a unit owner must be submitted by the unit
11 owner to an independent reviewer who shall tally the results
12 of the election and certify the results to the declarant, the
13 executive board and unit owners. In order to be eligible to
14 vote in the election, a unit owner shall be in good standing
15 with the association. If a third-party vendor conducts the
16 election, the executive board ~~may~~ SHALL present the official <--
17 election results based on the certified election report from
18 the independent reviewer at a meeting of the unit owners and
19 shall enter the results in the meeting records. The executive
20 board shall ensure that all mailings relating to the election
21 use the return address of the third-party vendor that
22 conducts the election. All votes by unit owners under this
23 paragraph shall be submitted to the independent reviewer in
24 either an electronic or a paper format. If votes are
25 submitted in an electronic format, the association shall
26 provide reasonable accommodations to a unit owner who does
27 not have access to electronic means to submit the unit
28 owner's vote. This paragraph shall only apply to a
29 condominium with at least ~~100~~ 500 units. If a condominium has <--
30 ~~more than 100 units and less than 500 units, the association <--~~

1 may opt out of IN TO the requirements under this paragraph by <--
2 a majority vote of unit owners. A VOTE OF AT LEAST 51% OF THE <--
3 VOTES COLLECTED FROM THE UNIT OWNERS IN PERSON,
4 ELECTRONICALLY OR BY ABSENTEE BALLOT WHICH ARE IN FAVOR OF
5 THE REQUIREMENTS UNDER THIS PARAGRAPH.

6 (e) Election of members and officers following declarant
7 control.--

8 (1) Not later than the termination of any period of
9 declarant control, the unit owners shall elect an executive
10 board of at least three members at least a majority of whom
11 must be unit owners, except that the executive board may
12 consist of two members, both of whom must be unit owners, if
13 the condominium consists of two units. The executive board
14 shall elect the officers. The persons elected shall take
15 office upon election.

16 (2) In the event that the election of the executive
17 board by the unit owners fails to take place not later than
18 the termination of a period of declarant control as provided
19 in this section, then a special meeting of the unit owners
20 may be called for such purpose by any member of the executive
21 board elected by the unit owners or, if there is no such
22 member of the executive board, the unit owners entitled to
23 cast at least 10% of the votes in the association.

24 (3) A vote by a unit owner must be submitted by the unit
25 owner to an independent reviewer who shall tally the results
26 of the election and certify the results to the executive
27 board and unit owners. In order to be eligible to vote in the
28 election, a unit owner shall be in good standing with the
29 association. If a third-party vendor conducts the election,
30 the executive board may SHALL present the official election <--

1 results based on the certified election report from the
2 independent reviewer at a meeting of the unit owners and
3 shall enter the results in the meeting records. The executive
4 board shall ensure that all mailings relating to the election
5 use the return address of the third-party vendor that
6 conducts the election. All votes by unit owners under this
7 paragraph shall be submitted to the independent reviewer in
8 either an electronic or a paper format. If votes are
9 submitted in an electronic format, the association shall
10 provide reasonable accommodations to a unit owner who does
11 not have access to electronic means to submit the unit
12 owner's vote. This paragraph shall only apply to a
13 condominium with at least ~~100~~ 500 units. If a condominium has <--
14 ~~more than 100 units and less than 500 units,~~ the association <--
15 may opt ~~out of~~ IN TO the requirements under this paragraph by <--
16 amending the association's bylaws by a majority vote of unit
17 owners.

18 * * *

19 (g) Removal of member of executive board.--Notwithstanding
20 any provision of the declaration or bylaws to the contrary, the
21 unit owners, by a two-thirds vote of all persons present and
22 entitled to vote at any meeting of the unit owners at which a
23 quorum is present, may remove any member of the executive board
24 with or without cause, other than a member appointed by the
25 declarant, provided notice of the intention to remove a member
26 of the executive board is given with the notice of the meeting
27 at which such removal is considered.

28 Section 3. Sections 3306(a) (3) and (6) and 3308 of Title 68
29 are amended to read:

30 § 3306. Bylaws.

1 (a) Mandatory provisions.--The bylaws of the association
2 must provide for:

3 * * *

4 (3) The qualifications, powers and duties, terms of
5 office and manner of electing executive board members and
6 officers and removing executive board members and officers
7 under section 3303(g) (relating to executive board members
8 and officers) and filling vacancies.

9 * * *

10 (6) The method of amending the bylaws. The following
11 apply:

12 (i) The bylaws may be amended only by vote, vote by
13 proxy or agreement of unit owners of units to which at
14 least:

15 (A) fifty-one percent of the votes ~~are~~ collected <--
16 from unit owners in person, electronically or by
17 absentee ballot WHICH ARE IN FAVOR OF THE AMENDMENT; <--

18 (B) any larger majority as specified in the
19 bylaws; or

20 (C) a smaller ~~number~~ MAJORITY as specified in <--
21 the bylaws if all of the units are restricted
22 exclusively to nonresidential use.

23 (ii) The vote may be taken only at a scheduled
24 meeting as provided under section 3308 (relating to
25 meetings) that was advertised ~~seven~~ 14 days in advance to <--
26 the unit owners. Absentee voting shall be permitted to
27 unit owners provided that the ballots must be submitted
28 to an independent reviewer within five days after the
29 scheduled meeting.

30 * * *

1 § 3308. Meetings.

2 (a) In-person association meetings.--The bylaws must require
3 that in-person meetings of the association be held at least once
4 each year and provide for special meetings. The bylaws must
5 specify which of the association's officers, not less than ten
6 nor more than 60 days in advance of any meeting, shall cause
7 notice to be hand delivered or sent prepaid by United States
8 mail to the mailing address of each unit or to any other mailing
9 address designated in writing by the unit owner. THE NOTICE OF A <--
10 MEETING MAY BE DELIVERED BY ELECTRONIC MEANS IF THE UNIT OWNER
11 HAS AGREED IN WRITING TO ACCEPT THE NOTICE BY ELECTRONIC MEANS
12 OR WHERE THE BYLAWS PERMIT ELECTRONIC NOTICES. The notice of
13 [any] an in-person meeting must state the time and place of the
14 meeting and the items on the agenda, including the general
15 nature of any proposed amendment to the declaration or bylaws,
16 any budget or assessment changes and, where the declaration or
17 bylaws require approval of unit owners, any proposal to remove
18 an executive board member or officer.

19 (a.1) Virtual association meetings.--

20 (1) The bylaws must require that notice of virtual
21 meetings of the association be given by:

22 (i) First class or express mail, postage prepaid, or
23 courier service, charges prepaid, to the mailing address
24 of each unit or to any other mailing address designated
25 in writing by the unit owner. Notice under this
26 subparagraph shall be deemed to have been given to a unit
27 owner when deposited in the United States mail or with a
28 courier service for delivery to the unit owner.

29 (ii) Facsimile transmission, e-mail or other
30 electronic communication to the unit owner's facsimile

1 number or address for e-mail or other electronic
2 communications supplied by the unit owner for the purpose
3 of notice. Notice under this subparagraph shall be deemed
4 to have been given to the unit owner when sent.

5 (2) (Reserved).

6 (b) Use of remote technology.--Except as otherwise provided
7 in the bylaws, an individual may participate in a meeting of the
8 executive board or association by means of a conference
9 telephone or other remote electronic technology, including the
10 Internet, which allows participants in the meeting to hear each
11 other. Participation in a meeting as authorized under this
12 subsection shall be deemed in-person attendance at the meeting.

13 (c) Election sessions.--The bylaws must require that a
14 special session of the association be held not later than seven
15 days before the election of an executive board member or officer
16 of the association to allow the unit owners to meet each
17 candidate for an executive board position or officer position. A
18 special session under this subsection may be held virtually or
19 in person. Each candidate for an executive board position or
20 officer position with the association shall have equal time to
21 address the unit owners during a special session under this
22 subsection.

23 (d) Recorded meeting.--If a meeting of the association will
24 be recorded via audio or video, an announcement shall be made at
25 the commencement of the meeting that the meeting will be
26 recorded. A recorded meeting under this subsection shall be
27 available to unit owners for a period of six months after the
28 date of the meeting.

29 SECTION 4. SECTION 3310 OF THE ACT IS AMENDED BY ADDING
30 SUBSECTIONS TO READ:

<--

1 § 3310. VOTING; PROXIES.

2 * * *

3 (E) APPROVED METHODS OF VOTING.--METHODS OF VOTING SHALL BE
4 IN ACCORDANCE WITH THE FOLLOWING:

5 (1) EXCEPT TO THE EXTENT EXPRESSLY PROHIBITED IN AN
6 ASSOCIATION'S DECLARATION OR BYLAWS, THE VOTING RIGHTS OF A
7 UNIT OWNER MAY BE CAST OR GIVEN IN THE FOLLOWING WAYS:

8 (I) IN PERSON OR BY PROXY AT A MEETING OF THE
9 ASSOCIATION;

10 (II) BY ABSENTEE OR ELECTRONIC BALLOT IN ACCORDANCE
11 WITH THIS SUBPART; OR

12 (III) BY ANOTHER METHOD OF VOTING EXPRESSLY PROVIDED
13 IN THE ASSOCIATION'S DECLARATION OR BYLAWS.

14 (2) AN ABSENTEE OR ELECTRONIC BALLOT MAY:

15 (I) BE COUNTED AS A UNIT OWNER PRESENT AND VOTING
16 FOR THE PURPOSE OF ESTABLISHING A QUORUM, AND OTHERWISE,
17 ONLY FOR AGENDA ITEMS APPEARING ON THE BALLOT.

18 (II) NOT BE COUNTED EVEN IF PROPERLY DELIVERED, IF
19 THE UNIT OWNER ATTENDS THE MEETING TO VOTE IN PERSON. A
20 VOTE CAST AT A MEETING BY A UNIT OWNER SUPERSEDES A VOTE
21 SUBMITTED BY ABSENTEE OR ELECTRONIC BALLOT PREVIOUSLY
22 SUBMITTED FOR THAT AGENDA ITEM.

23 (3) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM
24 "ELECTRONIC BALLOT" MEANS A BALLOT CAST OR GIVEN BY
25 ELECTRONIC TRANSMISSION OVER THE INTERNET, VOTE MANAGEMENT
26 SYSTEM OR THE ASSOCIATION'S COMMUNITY NETWORK, WHETHER BY
27 DIRECT CONNECTION, INTRANET, TELECOPIER, ELECTRONIC MAIL OR
28 OTHER TECHNOLOGICAL MEANS, IF THE IDENTITY OF THE UNIT OWNER
29 SUBMITTING THE BALLOT CAN BE CONFIRMED AND A RECEIPT OF THE
30 ELECTRONIC TRANSMISSION AND BALLOT CAN BE MADE AVAILABLE TO

1 THE UNIT OWNER.

2 (F) ACCLAMATION.--UNLESS THE BYLAWS OF THE ASSOCIATION
3 PROVIDE OTHERWISE, IN THE EVENT THAT AN ELECTION FOR A POSITION
4 ON THE EXECUTIVE BOARD IS UNCONTESTED, THE OFFICER OR CHAIR
5 PRESIDING AT THE ELECTION MEETING MAY DECLARE THE NOMINEE
6 ELECTED BY ACCLAMATION AFTER DETERMINING THERE ARE NO FURTHER
7 NOMINATIONS.

8 Section 4 5. Section 4103 of Title 68 is amended by adding <--
9 definitions to read:

10 § 4103. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this subpart which are applicable to specific
13 provisions of this subpart, the following words and phrases when
14 used in this subpart and in the declaration and bylaws shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "IMMEDIATE FAMILY." A PARENT, SPOUSE, CHILD, BROTHER OR <--
19 SISTER.

20 "Independent reviewer." A person who is selected by the
21 declarant or a majority of the proprietary lessees EXECUTIVE <--
22 BOARD of a cooperative and satisfies all of the following:

23 (1) Holds a certificate as a certified public accountant
24 issued by the Commonwealth, is licensed to practice law in
25 this Commonwealth SPECIALIZING IN COOPERATIVE OR REAL ESTATE <--
26 LAW or is a vote management system.

27 (2) Is not a proprietary lessee of the cooperative,
28 directly or indirectly.

29 (3) Has no immediate family relationship with a
30 proprietary lessee of the cooperative or a cooperative

1 manager.

2 (4) Has no financial interest shared with a proprietary
3 lessee of the cooperative or a cooperative manager.

4 (5) If compensated by the declarant, a director, the
5 association or a cooperative manager, has disclosed the terms
6 of the compensation to all proprietary lessees of the
7 cooperative at a scheduled meeting.

8 * * *

9 "Vote management system." A third-party vendor who operates
10 a digital or subscription service that securely manages the
11 conduct of elections and voting procedures.

12 Section 5 6. Section 4219 of Title 68 is amended by adding a <--
13 subsection to read:

14 § 4219. Master associations.

15 * * *

16 (e.1) Independent reviewer.--The certificate of
17 incorporation or other instrument creating the master
18 association and the declaration of each cooperative, the powers
19 of which are assigned by the declaration or delegated to the
20 master association, shall provide that a vote by a proprietary
21 lessee in an election of the executive board of an association
22 must be submitted by the proprietary lessee to an independent
23 reviewer who shall tally the results of the election and certify
24 the results to the executive board and proprietary lessees. In
25 order to be eligible to vote in the election, a proprietary
26 lessee shall be in good standing with the master association. If
27 a third-party vendor conducts the election, the executive board
28 may SHALL present the official election results based on the <--
29 certified election report from the independent reviewer at a
30 meeting of the proprietary lessees and shall enter the results

1 in the meeting records. The executive board shall ensure that
2 all mailings relating to the election use the return address of
3 the third-party vendor that conducts the election. All votes by
4 proprietary lessees under this subsection shall be submitted to
5 the independent reviewer in either an electronic or a paper
6 format. If votes are submitted in an electronic format, the
7 master association shall provide reasonable accommodations to a
8 proprietary lessee who does not have access to electronic means
9 to submit the proprietary lessee's vote. This subsection shall
10 only apply to a cooperative with at least ~~100~~ 500 units. If a <--
11 cooperative has ~~more than 100 units and less than 500 units, the~~ <--
12 master association may opt ~~out of~~ IN TO the requirements under <--
13 this subsection by a ~~majority vote of proprietary lessees. A~~ <--
14 VOTE OF AT LEAST 51% OF THE VOTES COLLECTED FROM THE UNIT OWNERS
15 IN PERSON, ELECTRONICALLY OR BY ABSENTEE BALLOT WHICH ARE IN
16 FAVOR OF THE REQUIREMENTS UNDER THIS PARAGRAPH.

17 * * *

18 Section ~~6~~ 7. Sections 4306(a)(3) and (6) and 4308 of Title <--
19 68 are amended to read:

20 § 4306. Bylaws.

21 (a) Mandatory provisions.--The bylaws of the association
22 must provide for:

23 * * *

24 (3) The qualifications, powers and duties, terms of
25 office and manner of electing executive board members and
26 officers and removing executive board members and officers
27 under section 4303(g) (relating to executive board members
28 and officers) and filling vacancies.

29 * * *

30 (6) The method of amending the bylaws. The following

1 apply:

2 ~~(i) The bylaws may be amended only by vote, vote by <--~~
3 ~~proxy or agreement of proprietary lessees of cooperative~~
4 ~~interests to which at least 51% of the votes are~~
5 ~~collected from unit owners in person, electronically or~~
6 ~~by absentee ballot or any larger majority the declaration~~
7 ~~specifies. The declaration may specify a smaller number~~
8 ~~only if all of the units are restricted exclusively to~~
9 ~~nonresidential use.~~

10 (I) THE BYLAWS MAY BE AMENDED ONLY BY VOTE, VOTE BY <--
11 PROXY OR AGREEMENT OF PROPRIETARY LESSEES OF COOPERATIVE
12 INTERESTS TO WHICH AT LEAST:

13 (A) FIFTY-ONE PERCENT OF THE VOTES COLLECTED
14 FROM UNIT OWNERS IN PERSON, ELECTRONICALLY OR BY
15 ABSENTEE BALLOT ARE IN FAVOR OF THE AMENDMENT.

16 (B) A LARGER MAJORITY AS SPECIFIED IN THE
17 BYLAWS.

18 (C) A SMALLER MAJORITY AS SPECIFIED IN THE
19 BYLAWS IF ALL OF THE UNITS ARE RESTRICTED EXCLUSIVELY
20 TO NONRESIDENTIAL USE.

21 (ii) The vote may be taken only at a scheduled
22 meeting as provided under section 4308 (relating to
23 meetings) that was advertised seven 14 days in advance to <--
24 the proprietary lessees. Absentee voting shall be
25 permitted to proprietary lessees provided that the
26 ballots must be submitted to an independent reviewer
27 within five days after the scheduled meeting.

28 * * *

29 § 4308. Meetings.

30 [A] (a) In-person association meetings.--An in-person

1 meeting of the association must be held at least once each year.
2 Special meetings of the association may be called by the
3 president, a majority of the executive board or by 20%, or any
4 lower percentage specified in the bylaws, of the proprietary
5 lessees. Not less than ten nor more than 60 days in advance of
6 any meeting, the secretary or other officer specified in the
7 bylaws shall cause notice to be hand delivered or sent prepaid
8 by United States mail to the mailing address of each unit or to
9 any other mailing address designated in writing by the
10 proprietary lessee. THE NOTICE OF A MEETING MAY BE DELIVERED BY <--
11 ELECTRONIC MEANS IF THE UNIT OWNER HAS AGREED IN WRITING TO
12 ACCEPT THE NOTICE BY ELECTRONIC MEANS OR WHERE THE BYLAWS PERMIT
13 ELECTRONIC NOTICES. The notice of any meeting must state the
14 time and place of the meeting and the items on the agenda,
15 including the general nature of any proposed amendment to the
16 declaration or bylaws, any budget or assessment changes and,
17 where the declaration or bylaws require approval of the
18 proprietary lessees, any proposal to remove an executive board
19 member or officer.

20 (a.1) Virtual association meetings.--

21 (1) The bylaws must require that notice of virtual
22 meetings of the association be given by:

23 (i) First class or express mail, postage prepaid, or
24 courier service, charges prepaid, to the mailing address
25 of each unit or to any other mailing address designated
26 in writing by the proprietary lessee. Notice under this
27 subparagraph shall be deemed to have been given to a
28 proprietary lessee when deposited in the United States
29 mail or with a courier service for delivery to the
30 proprietary lessee.

1 (ii) Facsimile transmission, e-mail or other
2 electronic communication to the proprietary lessee's
3 facsimile number or address for e-mail or other
4 electronic communications supplied by the proprietary
5 lessee for the purpose of notice. Notice under this
6 subparagraph shall be deemed to have been given to the
7 proprietary lessee when sent.

8 (2) (Reserved).

9 (b) Use of remote technology.--Except as otherwise provided
10 in the bylaws, an individual may participate in a meeting of the
11 executive board or association by means of a conference
12 telephone or other remote electronic technology, including the
13 Internet, which allows participants in the meeting to hear each
14 other. Participation in a meeting as authorized under this
15 subsection shall be deemed in-person attendance at the meeting.

16 (c) Election sessions.--The bylaws must require that a
17 special session of the association be held at least seven days
18 prior to the election of an executive board member or officer of
19 the association to allow the proprietary lessees to meet each
20 candidate for an executive board position or officer position. A
21 special session under this subsection may be held virtually or
22 in person. Each candidate for an executive board position or
23 officer position with the association shall have equal time to
24 address the proprietary lessees during a special session under
25 this subsection.

26 (d) Recorded meeting.--If a meeting of the association will
27 be recorded via audio or video, an announcement shall be made at
28 the commencement of the meeting that the meeting will be
29 recorded. A recorded meeting under this subsection shall be
30 available to proprietary lessees for a period of six months

1 after the date of the meeting.

2 SECTION 8. SECTION 4310 OF THE ACT IS AMENDED BY ADDING <--
3 SUBSECTIONS TO READ:

4 § 4310. VOTING; PROXIES.

5 * * *

6 (E) APPROVED METHODS OF VOTING.--METHODS OF VOTING SHALL BE
7 IN ACCORDANCE WITH THE FOLLOWING:

8 (1) EXCEPT TO THE EXTENT EXPRESSLY PROHIBITED IN AN
9 ASSOCIATION'S DECLARATION OR BYLAWS, THE VOTING RIGHTS OF A
10 UNIT OWNER MAY BE CAST OR GIVEN IN THE FOLLOWING WAYS:

11 (I) IN PERSON OR BY PROXY AT A MEETING OF THE
12 ASSOCIATION;

13 (II) BY ABSENTEE OR ELECTRONIC BALLOT IN ACCORDANCE
14 WITH THIS SUBPART; OR

15 (III) BY ANOTHER METHOD OF VOTING EXPRESSLY PROVIDED
16 IN THE ASSOCIATION'S DECLARATION OR BYLAWS.

17 (2) AN ABSENTEE OR ELECTRONIC BALLOT MAY:

18 (I) BE COUNTED AS A UNIT OWNER PRESENT AND VOTING
19 FOR THE PURPOSE OF ESTABLISHING A QUORUM, AND OTHERWISE,
20 ONLY FOR AGENDA ITEMS APPEARING ON THE BALLOT.

21 (II) NOT BE COUNTED EVEN IF PROPERLY DELIVERED, IF
22 THE UNIT OWNER ATTENDS THE MEETING TO VOTE IN PERSON. A
23 VOTE CAST AT A MEETING BY A UNIT OWNER SUPERSEDES A VOTE
24 SUBMITTED BY ABSENTEE OR ELECTRONIC BALLOT PREVIOUSLY
25 SUBMITTED FOR THAT AGENDA ITEM.

26 (3) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM
27 "ELECTRONIC BALLOT" MEANS A BALLOT CAST OR GIVEN BY
28 ELECTRONIC TRANSMISSION OVER THE INTERNET, VOTE MANAGEMENT
29 SYSTEM OR THE ASSOCIATION'S COMMUNITY NETWORK, WHETHER BY
30 DIRECT CONNECTION, INTRANET, TELECOPIER, ELECTRONIC MAIL OR

1 OTHER TECHNOLOGICAL MEANS, IF THE IDENTITY OF THE UNIT OWNER
2 SUBMITTING THE BALLOT CAN BE CONFIRMED AND A RECEIPT OF THE
3 ELECTRONIC TRANSMISSION AND BALLOT CAN BE MADE AVAILABLE TO
4 THE UNIT OWNER.

5 (F) ACCLAMATION.--UNLESS THE BYLAWS OF THE ASSOCIATION
6 PROVIDE OTHERWISE, IN THE EVENT THAT AN ELECTION FOR A POSITION
7 ON THE EXECUTIVE BOARD IS UNCONTESTED, THE OFFICER OR CHAIR
8 PRESIDING AT THE ELECTION MEETING MAY DECLARE THE NOMINEE
9 ELECTED BY ACCLAMATION AFTER DETERMINING THERE ARE NO FURTHER
10 NOMINATIONS.

11 Section 7 9. Section 5103 of Title 68 is amended by adding <--
12 definitions to read:

13 § 5103. Definitions.

14 The following words and phrases when used in this subpart and
15 in the declaration and bylaws shall have the meanings given to
16 them in this section unless specifically provided otherwise or
17 unless the context clearly indicates otherwise:

18 * * *

19 "IMMEDIATE FAMILY." A PARENT, SPOUSE, CHILD, BROTHER OR <--
20 SISTER.

21 "Independent reviewer." A person who is selected by the
22 declarant or a majority of the unit owners EXECUTIVE BOARD of a <--
23 planned community and satisfies all of the following:

24 (1) Holds a certificate as a certified public accountant
25 issued by the Commonwealth, is licensed to practice law in
26 this Commonwealth SPECIALIZING IN PLANNED COMMUNITY OR REAL <--
27 ESTATE LAW or is a vote management system.

28 (2) Is not a unit owner of the planned community,
29 directly or indirectly.

30 (3) Has no immediate family relationship with a unit

1 owner of the planned community or a planned community
2 manager.

3 (4) Has no financial interest shared with a unit owner
4 of the planned community or a planned community manager.

5 (5) If compensated by the declarant, a director, the
6 association or a planned community manager, has disclosed the
7 terms of the compensation to all unit owners of the planned
8 community at a scheduled meeting.

9 * * *

10 "Vote management system." A third-party vendor who operates
11 a digital or subscription service that securely manages the
12 conduct of elections and voting procedures.

13 * * *

14 Section § 10. Section 5222 of Title 68 is amended by adding <--
15 a subsection to read:

16 § 5222. Master associations.

17 * * *

18 (e.1) Independent reviewer.--The instrument creating the
19 master association and the declaration of each planned community
20 of the organizational documents of other associations, the
21 powers of which are assigned pursuant to the declaration or
22 organizational documents or delegated to the master association,
23 shall also provide that a vote by a unit owner in an election of
24 the members of the master association governing body must be
25 submitted by the unit owner to an independent reviewer who shall
26 tally the results of the election and certify the results to the
27 executive board and unit owner. In order to be eligible to vote
28 in the election, a unit owner shall be in good standing with the
29 association. If a third-party vendor conducts the election, the
30 executive board may SHALL present the official election results <--

1 based on the certified election report from the independent
2 reviewer at a meeting of the unit owners and shall enter the
3 results in the meeting records. The executive board shall ensure
4 that all mailings relating to the election use the return
5 address of the third-party vendor that conducts the election.
6 All votes by unit owners under this subsection shall be
7 submitted to the independent reviewer in either an electronic or
8 a paper format. If votes are submitted in an electronic format,
9 the master association shall provide reasonable accommodations
10 to a unit owner who does not have access to electronic means to
11 submit the unit owner's vote. This subsection shall only apply
12 to a planned community with at least ~~100~~ 500 units. If a planned <--
13 community has ~~more than 100 units and less than 500 units, the <--~~
14 master association may opt ~~out of~~ IN TO the requirements under <--
15 this subsection by a ~~majority vote of unit owners. A VOTE OF AT <--~~
16 LEAST 51% OF THE VOTES COLLECTED FROM THE UNIT OWNERS IN PERSON,
17 ELECTRONICALLY OR BY ABSENTEE BALLOT WHICH ARE IN FAVOR OF THE
18 REQUIREMENTS UNDER THIS PARAGRAPH.

19 * * *

20 Section 9 11. Sections 5306(a)(3) and (6) and 5308 of Title <--
21 68 are amended to read:

22 § 5306. Bylaws.

23 (a) Mandatory provisions.--The bylaws of the association
24 shall provide for all of the following:

25 * * *

26 (3) The qualifications, powers and duties, terms of
27 office and manner of electing executive board members and
28 officers and removing executive board members and officers
29 under section ~~5303(g)~~ 5303(F) (relating to executive board <--
30 members and officers) and filling vacancies.

1 * * *

2 (6) The method of amending the bylaws. The following
3 apply:

4 (i) The bylaws may be amended only by vote, vote by
5 proxy or agreement of unit owners of units to which at
6 least:

7 (A) fifty-one percent of votes ~~are~~ collected <--
8 from unit owners in person, electronically or by
9 absentee ballot ARE IN FAVOR OF THE AMENDMENT; <--

10 (B) a larger ~~percentage~~ MAJORITY of the votes in <--
11 the association as specified in the bylaws; or

12 (C) a smaller ~~percentage~~ MAJORITY of the votes <--
13 in the association as specified in the bylaws if all
14 units are restricted exclusively to nonresidential
15 use.

16 (ii) The vote may be taken only at a scheduled
17 meeting as provided under section 5308 (relating to
18 meetings) that was advertised ~~seven~~ 14 days in advance to <--
19 the unit owners. Absentee voting shall be permitted to
20 unit owners provided that the ballots must be submitted
21 to an independent reviewer within five days after the
22 scheduled meeting.

23 * * *

24 § 5308. Meetings.

25 (a) In-person association meetings.--The bylaws shall
26 require that in-person meetings of the association be held at
27 least once each year and shall provide for special meetings. The
28 bylaws shall specify which of the association's officers, not
29 less than ten nor more than 60 days in advance of any meeting,
30 shall cause notice to be hand delivered or sent prepaid by

1 United States mail to the mailing address of each unit or to any
2 other mailing address designated in writing by the unit owner.
3 THE NOTICE OF A MEETING MAY BE DELIVERED BY ELECTRONIC MEANS IF <--
4 THE UNIT OWNER HAS AGREED IN WRITING TO ACCEPT THE NOTICE BY
5 ELECTRONIC MEANS OR WHERE THE BYLAWS PERMIT ELECTRONIC NOTICES.

6 The notice of any meeting must state the time and place of the
7 meeting and the items on the agenda, including the general
8 nature of any proposed amendment to the declaration or bylaws;
9 any budget or assessment changes; and, where the declaration or
10 bylaws require approval of unit owners, any proposal to remove a
11 director or officer.

12 (a.1) Virtual association meetings.--

13 (1) The bylaws must require that notice of virtual
14 meetings of the association be given by:

15 (i) First class or express mail, postage prepaid, or
16 courier service, charges prepaid, to the mailing address
17 of each unit or to any other mailing address designated
18 in writing by the unit owner. Notice under this
19 subparagraph shall be deemed to have been given to an
20 unit owner when deposited in the United States mail or
21 with a courier service for delivery to the unit owner.

22 (ii) Facsimile transmission, e-mail or other
23 electronic communication to the unit owner's facsimile
24 number or address for e-mail or other electronic
25 communications supplied by the unit owner for the purpose
26 of notice. Notice under this subparagraph shall be deemed
27 to have been given to the unit owner when sent.

28 (2) (Reserved).

29 (b) Use of remote technology.--Except as otherwise provided
30 in the bylaws, an individual may participate in a meeting of the

1 executive board or association by means of a conference
2 telephone or other remote electronic technology, including the
3 Internet, which allows each participant in the meeting to hear
4 each other. Participation in a meeting as authorized under this
5 subsection shall be deemed in-person attendance at the meeting.

6 (c) Election sessions.--The bylaws shall require that a
7 special session of the association be held not later than seven
8 days before the election of an executive board member or officer
9 of the association to allow the unit owners to meet each
10 candidate for an executive board position or officer position. A
11 special session under this subsection may be held virtually or
12 in person. Each candidate for an executive board position or
13 officer position with the association shall have equal time to
14 address the unit owners during a special session under this
15 subsection.

16 (d) Recorded meeting.--If a meeting of the association will
17 be recorded via audio or video, an announcement shall be made at
18 the commencement of the meeting that the meeting will be
19 recorded. A recorded meeting under this subsection shall be
20 available to unit owners for a period of six months after the
21 date of the meeting.

22 SECTION 12. SECTION 5310 OF THE ACT IS AMENDED BY ADDING
23 SUBSECTIONS TO READ:

24 § 5310. VOTING; PROXIES.

25 * * *

26 (E) APPROVED METHODS OF VOTING.--METHODS OF VOTING SHALL BE
27 IN ACCORDANCE WITH THE FOLLOWING:

28 (1) EXCEPT TO THE EXTENT EXPRESSLY PROHIBITED IN AN
29 ASSOCIATION'S DECLARATION OR BYLAWS, THE VOTING RIGHTS OF A
30 UNIT OWNER MAY BE CAST OR GIVEN IN THE FOLLOWING WAYS:

1 (I) IN PERSON OR BY PROXY AT A MEETING OF THE
2 ASSOCIATION;

3 (II) BY ABSENTEE OR ELECTRONIC BALLOT IN ACCORDANCE
4 WITH THIS SUBPART; OR

5 (III) BY ANOTHER METHOD OF VOTING EXPRESSLY PROVIDED
6 IN THE ASSOCIATION'S DECLARATION OR BYLAWS.

7 (2) AN ABSENTEE OR ELECTRONIC BALLOT MAY:

8 (I) BE COUNTED AS A UNIT OWNER PRESENT AND VOTING
9 FOR THE PURPOSE OF ESTABLISHING A QUORUM, AND OTHERWISE,
10 ONLY FOR AGENDA ITEMS APPEARING ON THE BALLOT.

11 (II) NOT BE COUNTED EVEN IF PROPERLY DELIVERED, IF
12 THE UNIT OWNER ATTENDS THE MEETING TO VOTE IN PERSON. A
13 VOTE CAST AT A MEETING BY A UNIT OWNER SUPERSEDES A VOTE
14 SUBMITTED BY ABSENTEE OR ELECTRONIC BALLOT PREVIOUSLY
15 SUBMITTED FOR THAT AGENDA ITEM.

16 (3) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM
17 "ELECTRONIC BALLOT" MEANS A BALLOT CAST OR GIVEN BY
18 ELECTRONIC TRANSMISSION OVER THE INTERNET, VOTE MANAGEMENT
19 SYSTEM OR THE ASSOCIATION'S COMMUNITY NETWORK, WHETHER BY
20 DIRECT CONNECTION, INTRANET, TELECOPIER, ELECTRONIC MAIL OR
21 OTHER TECHNOLOGICAL MEANS, IF THE IDENTITY OF THE UNIT OWNER
22 SUBMITTING THE BALLOT CAN BE CONFIRMED AND A RECEIPT OF THE
23 ELECTRONIC TRANSMISSION AND BALLOT CAN BE MADE AVAILABLE TO
24 THE UNIT OWNER.

25 (F) ACCLAMATION.--UNLESS THE BYLAWS OF THE ASSOCIATION
26 PROVIDE OTHERWISE, IN THE EVENT THAT AN ELECTION FOR A POSITION
27 ON THE EXECUTIVE BOARD IS UNCONTESTED, THE OFFICER OR CHAIR
28 PRESIDING AT THE ELECTION MEETING MAY DECLARE THE NOMINEE
29 ELECTED BY ACCLAMATION AFTER DETERMINING THERE ARE NO FURTHER
30 NOMINATIONS.

1 Section ~~10~~ 13. This act shall take effect in ~~60~~ 180 days. <--