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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1795 Session of  
2021

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

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 24, 2022

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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, FOR QUORUMS AND FOR VOTING AND PROXIES; in general <--  
7 provisions relating to cooperatives, further providing for  
8 definitions; in creation, alteration and termination of  
9 cooperatives, further providing for master associations; in  
10 management of cooperatives, further providing for bylaws ~~and~~, <--  
11 for meetings, FOR QUORUMS AND FOR VOTING AND PROXIES; in <--  
12 general provisions relating to planned communities, further  
13 providing for definitions; in creation, alteration and  
14 termination of planned communities, further providing for  
15 master associations; and, in management of planned community,  
16 further providing for bylaws ~~and~~, for meetings, FOR QUORUMS <--  
17 AND FOR VOTING AND PROXIES.

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

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

22 § 3103. Definitions.

23 The following words and phrases when used in this subpart and  
24 in the declaration and bylaws shall have the meanings given to

1 them in this section unless specifically provided otherwise or  
2 unless the context clearly indicates otherwise:

3 \* \* \*

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

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

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

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

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

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

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

22 \* \* \*

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

26 \* \* \*

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

29 § 3303. Executive board members and officers.

30 \* \* \*

1 (d) Election of members during transfer of declarant  
2 control.--

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

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

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

~~more than 100 units and less than 500 units, the association <--  
may opt out of IN TO the requirements under this paragraph by <--  
a majority vote of unit owners. A VOTE OF AT LEAST 51% OF THE <--  
VOTES COLLECTED FROM THE UNIT OWNERS IN PERSON, <--  
ELECTRONICALLY OR BY ABSENTEE BALLOT WHICH ARE IN FAVOR OF <--  
THE REQUIREMENTS UNDER THIS PARAGRAPH.~~

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

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

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

~~(3) A vote by a unit owner must be submitted by the unit  
owner to an independent reviewer who shall tally the results  
of the election and certify the results to the executive  
board and unit owners. In order to be eligible to vote in the  
election, a unit owner shall be in good standing with the  
association. If a third party vendor conducts the election, <--~~

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

23 \* \* \*

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

1 of the executive board is given with the notice of the meeting  
2 at which such removal is considered, AS PROVIDED UNDER SECTION <--  
3 4303(G) (RELATING TO EXECUTIVE BOARD MEMBERS AND OFFICERS).

4 Section 3. Sections 3306(a) (3) and (6) ~~and 3308~~, 3308 AND <--  
5 3309(A) of Title 68 are amended to read:

6 § 3306. Bylaws.

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

9 \* \* \*

10 (3) The qualifications, powers and duties, terms of  
11 office and manner of electing executive board members and  
12 officers and removing executive board members and officers  
13 under section 3303(g) (relating to executive board members  
14 and officers) and filling vacancies.

15 \* \* \*

16 (6) The method of amending the bylaws. The following  
17 apply:

18 (i) The bylaws may be amended only by vote, ~~vote by~~ <--  
19 proxy or agreement of unit owners of units to which at  
20 least:

21 (A) fifty-one percent of the votes are collected <--  
22 from unit owners in person, electronically or by  
23 absentee ballot WHICH ARE IN FAVOR OF THE AMENDMENT <--  
24 IN THE ASSOCIATION ARE ALLOCATED; <--

25 (B) any larger majority as specified in the  
26 bylaws; or

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

30 (ii) The vote may be taken only at a scheduled

1 meeting AND FOLLOWING NOTICE TO THE UNIT OWNERS as <--  
2 provided under section 3308 (relating to meetings) that  
3 was advertised ~~seven~~ 14 days in advance to the unit <--  
4 owners. Absentee voting shall be permitted to unit owners  
5 provided that the ballots must be submitted to an  
6 independent reviewer ~~within five days after~~ BY THE <--  
7 COMMENCEMENT OF the scheduled meeting.

8 \* \* \*

9 § 3308. Meetings.

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

28 ~~(a.1) Virtual association meetings.~~ <--

29 ~~(1) The bylaws must require that notice of virtual~~  
30 meetings of the association be given by:

1 ~~(i) First class or express mail, postage prepaid, or~~  
2 ~~courier service, charges prepaid, to the mailing address~~  
3 ~~of each unit or to any other mailing address designated~~  
4 ~~in writing by the unit owner. Notice under this~~  
5 ~~subparagraph shall be deemed to have been given to a unit~~  
6 ~~owner when deposited in the United States mail or with a~~  
7 ~~courier service for delivery to the unit owner.~~

8 ~~(ii) Facsimile transmission, e mail or other~~  
9 ~~electronic communication to the unit owner's facsimile~~  
10 ~~number or address for e mail or other electronic~~  
11 ~~communications supplied by the unit owner for the purpose~~  
12 ~~of notice. Notice under this subparagraph shall be deemed~~  
13 ~~to have been given to the unit owner when sent.~~

14 ~~(2) (Reserved).~~

15 (B) DELIVERY OF NOTICE.--THE BYLAWS MUST REQUIRE THAT NOTICE <--  
16 OF VIRTUAL MEETINGS OF THE ASSOCIATION BE GIVEN BY:

17 (1) FIRST CLASS OR EXPRESS MAIL, POSTAGE PREPAID, OR  
18 COURIER SERVICE, CHARGES PREPAID, TO THE MAILING ADDRESS OF  
19 EACH UNIT OR TO ANY OTHER MAILING ADDRESS DESIGNATED IN  
20 WRITING BY THE UNIT OWNER. NOTICE UNDER THIS PARAGRAPH SHALL  
21 BE DEEMED TO HAVE BEEN GIVEN TO A UNIT OWNER WHEN DEPOSITED  
22 IN THE UNITED STATES MAIL OR WITH A COURIER SERVICE FOR  
23 DELIVERY TO THE UNIT OWNER.

24 (2) FACSIMILE TRANSMISSION, E-MAIL OR OTHER ELECTRONIC  
25 COMMUNICATION TO THE UNIT OWNER'S FACSIMILE NUMBER OR ADDRESS  
26 FOR E-MAIL OR OTHER ELECTRONIC COMMUNICATIONS SUPPLIED BY THE  
27 UNIT OWNER, PROVIDED THAT THE UNIT OWNER HAS AGREED IN  
28 WRITING TO ACCEPT THE NOTICE BY ELECTRONIC MEANS OR WHERE THE  
29 BYLAWS EXPRESSLY PERMIT MEANS OF DELIVERING ELECTRONIC  
30 NOTICE. NOTICE UNDER THIS PARAGRAPH SHALL BE DEEMED TO HAVE



1 BEEN GIVEN TO THE UNIT OWNER WHEN SENT.

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

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

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

26 (D) PRE-ELECTION SESSIONS.--THE BYLAWS MUST REQUIRE THAT, IN <--  
27 THE EVENT THAT THERE ARE MORE CANDIDATES THAN OPEN POSITIONS ON  
28 THE EXECUTIVE BOARD, THEN, UPON REQUEST OF ONE OR MORE OF THE  
29 CANDIDATES, THE ASSOCIATION SHALL HOLD A SPECIAL SESSION AT  
30 LEAST SEVEN DAYS BEFORE THE ELECTION OF AN EXECUTIVE BOARD

1 MEMBER TO ALLOW THE UNIT OWNERS TO MEET EACH CANDIDATE FOR AN  
2 EXECUTIVE BOARD POSITION. EACH CANDIDATE FOR AN EXECUTIVE BOARD  
3 POSITION SHALL HAVE EQUAL TIME TO ADDRESS THE UNIT OWNERS DURING  
4 A SPECIAL SESSION UNDER THIS SUBSECTION.

5 (E) RECORDED MEETING.--UNLESS THE BYLAWS PROVIDE OTHERWISE,  
6 MEETINGS OF THE ASSOCIATION MAY BE RECORDED BY THE EXECUTIVE  
7 BOARD VIA AUDIO OR VIDEO TECHNOLOGY, PROVIDED THAT AN  
8 ANNOUNCEMENT IS MADE BY THE PRESIDING OFFICER AT THE  
9 COMMENCEMENT OF THE MEETING THAT THE MEETING WILL BE RECORDED. A  
10 RECORDED MEETING UNDER THIS SUBSECTION SHALL BE MAINTAINED AND  
11 AVAILABLE TO UNIT OWNERS FOR A PERIOD OF NO LESS THAN SIX MONTHS  
12 AFTER THE DATE OF THE MEETING.

13 § 3309. QUORUMS.

14 (A) ASSOCIATION.--

15 (1) UNLESS THE BYLAWS PROVIDE OTHERWISE, A QUORUM IS  
16 DEEMED PRESENT THROUGHOUT ANY MEETING OF THE ASSOCIATION IF  
17 PERSONS ENTITLED TO CAST 20% OF THE VOTES WHICH MAY BE CAST  
18 FOR ELECTION OF THE EXECUTIVE BOARD ARE PRESENT IN PERSON OR  
19 BY PROXY AT THE BEGINNING OF THE MEETING. THE BYLAWS MAY  
20 REQUIRE A LARGER PERCENTAGE OR A SMALLER PERCENTAGE NOT LESS  
21 THAN 10%.

22 (2) IF THE ASSOCIATION FAILS TO MEET A QUORUM AT TWO  
23 SUBSEQUENT MEETINGS UNDER THIS SUBSECTION, THE ASSOCIATION  
24 MAY UTILIZE THE PROVISIONS UNDER 15 PA.C.S. § 5756(B)  
25 (RELATING TO QUORUM) TO MEET QUORUM REQUIREMENTS, EXCEPT AS  
26 OTHERWISE PROVIDED IN THE DECLARATION OR BYLAWS OF THE  
27 ASSOCIATION.

28 \* \* \*

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 THE cooperative <--

1 manager.

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

4 (5) If compensated by the declarant, a director, the  
5 association or a THE cooperative manager, has disclosed the <--  
6 terms 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 THE executive <--  
28 board ~~may~~ SHALL present the official election results based on <--  
29 the 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. ACCORDANCE WITH THE~~ <--  
10 ~~APPROVED METHODS OF VOTING AS PROVIDED UNDER THIS SUBPART. This~~  
11 ~~subsection shall only apply to a cooperative with at least 100~~ <--  
12 ~~500 units. If a cooperative has more than 100 units and less~~ <--  
13 ~~than 500 units, the master association may opt out of IN TO the~~ <--  
14 ~~requirements under this subsection by a majority vote of~~  
15 ~~proprietary lessees. A VOTE OF AT LEAST 51% OF THE VOTES~~ <--  
16 ~~COLLECTED FROM THE UNIT OWNERS IN PERSON, ELECTRONICALLY OR BY~~  
17 ~~ABSENTEE BALLOT WHICH ARE IN FAVOR OF THE REQUIREMENTS UNDER~~  
18 ~~THIS PARAGRAPH.~~

19 \* \* \*

20 Section ~~6~~ 7. Sections 4306(a)(3) and ~~(6)~~ and ~~4308~~ (6), 4308 <--  
21 AND 4309(A) of Title 68 are amended to read:

22 § 4306. Bylaws.

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

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 4303(g) (relating to executive board members  
30 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 proprietary lessees of cooperative~~  
6 ~~interests to which at least 51% of the votes are~~  
7 ~~collected from unit owners in person, electronically or~~  
8 ~~by absentee ballot or any larger majority the declaration~~  
9 ~~specifies. The declaration may specify a smaller number~~  
10 ~~only if all of the units are restricted exclusively to~~  
11 ~~nonresidential use.~~

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

15 ~~(A) FIFTY-ONE PERCENT OF THE VOTES COLLECTED <--~~  
16 ~~FROM UNIT OWNERS IN PERSON, ELECTRONICALLY OR BY~~  
17 ~~ABSENTEE BALLOT ARE IN FAVOR OF THE AMENDMENT. IN THE <--~~  
18 ~~ASSOCIATION ARE ALLOCATED.~~

19 ~~(B) A LARGER MAJORITY AS SPECIFIED IN THE~~  
20 ~~BYLAWS.~~

21 ~~(C) A SMALLER MAJORITY AS SPECIFIED IN THE~~  
22 ~~BYLAWS IF ALL OF THE UNITS ARE RESTRICTED EXCLUSIVELY~~  
23 ~~TO NONRESIDENTIAL USE.~~

24 ~~(ii) The vote may be taken only at a scheduled~~  
25 ~~meeting AND FOLLOWING NOTICE TO THE UNIT OWNERS as <--~~  
26 ~~provided under section 4308 (relating to meetings) that~~  
27 ~~was advertised ~~seven~~ 14 days in advance to the <--~~  
28 ~~proprietary lessees. Absentee voting shall be permitted~~  
29 ~~to proprietary lessees provided that the ballots must be~~  
30 ~~submitted to an independent reviewer within five days <--~~

1 after BY THE COMMENCEMENT OF the scheduled meeting. <--

2 \* \* \*

3 § 4308. Meetings.

4 [A] ~~(a) In person association meetings. An in person TIMING~~ <--

5 AND NOTICE.--A meeting of the association must be held at least

6 once each year. Special meetings of the association may be

7 called by the president, a majority of the executive board or by

8 20%, or any lower percentage specified in the bylaws, of the

9 proprietary lessees. Not less than ten nor more than 60 days in

10 advance of any meeting, the secretary or other officer specified

11 in the bylaws shall cause notice to be hand delivered or sent

12 prepaid by United States mail to the mailing address of each

13 unit or to any other mailing address designated in writing by

14 the proprietary lessee. THE NOTICE OF A MEETING MAY BE DELIVERED <--

15 BY ELECTRONIC MEANS IF THE UNIT OWNER HAS AGREED IN WRITING TO

16 ACCEPT THE NOTICE BY ELECTRONIC MEANS OR WHERE THE BYLAWS PERMIT

17 ELECTRONIC NOTICES. The notice of any meeting must state the

18 time and place of the meeting and the items on the agenda,

19 including the general nature of any proposed amendment to the

20 declaration or bylaws, any budget or assessment changes and,

21 where the declaration or bylaws require approval of the

22 proprietary lessees, any proposal to remove an executive board

23 member or officer.

24 ~~(a.1) Virtual association meetings.~~ <--

25 ~~(1) The bylaws must require that notice of virtual~~

26 ~~meetings of the association be given by:~~

27 ~~(i) First class or express mail, postage prepaid, or~~

28 ~~courier service, charges prepaid, to the mailing address~~

29 ~~of each unit or to any other mailing address designated~~

30 ~~in writing by the proprietary lessee. Notice under this~~



~~subparagraph shall be deemed to have been given to a  
proprietary lessee when deposited in the United States  
mail or with a courier service for delivery to the  
proprietary lessee.~~

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

~~(2) (Reserved).~~

(B) DELIVERY OF NOTICE.--THE BYLAWS MUST REQUIRE THAT NOTICE <--  
OF VIRTUAL MEETINGS OF THE ASSOCIATION BE GIVEN BY:

(1) FIRST CLASS OR EXPRESS MAIL, POSTAGE PREPAID, OR  
COURIER SERVICE, CHARGES PREPAID, TO THE MAILING ADDRESS OF  
EACH UNIT OR TO ANY OTHER MAILING ADDRESS DESIGNATED IN  
WRITING BY THE PROPRIETARY LESSEE. NOTICE UNDER THIS  
PARAGRAPH SHALL BE DEEMED TO HAVE BEEN GIVEN TO A PROPRIETARY  
LESSEE WHEN DEPOSITED IN THE UNITED STATES MAIL OR WITH A  
COURIER SERVICE FOR DELIVERY TO THE PROPRIETARY LESSEE.

(2) FACSIMILE TRANSMISSION, E-MAIL OR OTHER ELECTRONIC  
COMMUNICATION TO THE PROPRIETARY LESSEE'S FACSIMILE NUMBER OR  
ADDRESS FOR E-MAIL OR OTHER ELECTRONIC COMMUNICATIONS  
SUPPLIED BY THE PROPRIETARY LESSEE, PROVIDED THAT THE UNIT  
OWNER HAS AGREED IN WRITING TO ACCEPT THE NOTICE BY  
ELECTRONIC MEANS OR WHERE THE BYLAWS EXPRESSLY PERMIT MEANS  
OF DELIVERING ELECTRONIC NOTICE. NOTICE UNDER THIS PARAGRAPH  
SHALL BE DEEMED TO HAVE BEEN GIVEN TO THE PROPRIETARY LESSEE  
WHEN SENT.

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

9 ~~(c) Election sessions. The bylaws must require that a~~ <--  
10 ~~special session of the association be held at least seven days~~  
11 ~~prior to the election of an executive board member or officer of~~  
12 ~~the association to allow the proprietary lessees to meet each~~  
13 ~~candidate for an executive board position or officer position. A~~  
14 ~~special session under this subsection may be held virtually or~~  
15 ~~in person. Each candidate for an executive board position or~~  
16 ~~officer position with the association shall have equal time to~~  
17 ~~address the proprietary lessees during a special session under~~  
18 ~~this subsection.~~

19 ~~(d) Recorded meeting. If a meeting of the association will~~  
20 ~~be recorded via audio or video, an announcement shall be made at~~  
21 ~~the commencement of the meeting that the meeting will be~~  
22 ~~recorded. A recorded meeting under this subsection shall be~~  
23 ~~available to proprietary lessees for a period of six months~~  
24 ~~after the date of the meeting.~~

25 ~~(D) PRE-ELECTION SESSIONS.--THE BYLAWS MUST REQUIRE THAT, IN~~ <--  
26 ~~THE EVENT THAT THERE ARE MORE CANDIDATES THAN OPEN POSITIONS ON~~  
27 ~~THE EXECUTIVE BOARD, THEN, UPON REQUEST OF ONE OR MORE OF THE~~  
28 ~~CANDIDATES, THE ASSOCIATION SHALL HOLD A SPECIAL SESSION AT~~  
29 ~~LEAST SEVEN DAYS PRIOR TO THE ELECTION OF AN EXECUTIVE BOARD~~  
30 ~~MEMBER TO ALLOW THE PROPRIETARY LESSEES TO MEET EACH CANDIDATE~~

1 FOR AN EXECUTIVE BOARD POSITION. EACH CANDIDATE FOR AN EXECUTIVE  
2 BOARD POSITION SHALL HAVE EQUAL TIME TO ADDRESS THE PROPRIETARY  
3 LESSEES DURING A SPECIAL SESSION UNDER THIS SUBSECTION.

4 (E) RECORDED MEETING.--UNLESS THE BYLAWS PROVIDE OTHERWISE,  
5 MEETINGS OF THE ASSOCIATION MAY BE RECORDED BY THE EXECUTIVE  
6 BOARD VIA AUDIO OR VIDEO TECHNOLOGY, PROVIDED THAT AN  
7 ANNOUNCEMENT IS MADE BY THE PRESIDING OFFICER AT THE  
8 COMMENCEMENT OF THE MEETING THAT THE MEETING WILL BE RECORDED. A  
9 RECORDED MEETING UNDER THIS SUBSECTION SHALL BE MAINTAINED AND  
10 AVAILABLE TO PROPRIETARY LESSEES FOR A PERIOD OF NO LESS THAN  
11 SIX MONTHS AFTER THE DATE OF THE MEETING.

12 § 4309. QUORUMS.

13 (A) ASSOCIATION.--

14 (1) UNLESS THE BYLAWS PROVIDE OTHERWISE, A QUORUM IS  
15 DEEMED PRESENT THROUGHOUT ANY MEETING OF THE ASSOCIATION IF  
16 PERSONS ENTITLED TO CAST 20% OF THE VOTES WHICH MAY BE CAST  
17 FOR ELECTION OF THE EXECUTIVE BOARD ARE PRESENT IN PERSON OR  
18 BY PROXY AT THE BEGINNING OF THE MEETING. THE BYLAWS MAY  
19 REQUIRE A LARGER PERCENTAGE OR A SMALLER PERCENTAGE NOT LESS  
20 THAN 10%.

21 (2) IF THE ASSOCIATION FAILS TO MEET A QUORUM AT TWO  
22 SUBSEQUENT MEETINGS UNDER THIS SUBSECTION, THE ASSOCIATION  
23 MAY UTILIZE THE PROVISIONS UNDER 15 PA.C.S. § 5756(B)  
24 (RELATING TO QUORUM) TO MEET QUORUM REQUIREMENTS, EXCEPT AS  
25 OTHERWISE PROVIDED IN THE DECLARATION OR BYLAWS OF THE  
26 ASSOCIATION.

27 \* \* \*

28 SECTION 8. SECTION 4310 OF THE ACT IS AMENDED BY ADDING  
29 SUBSECTIONS TO READ:

30 § 4310. VOTING; PROXIES.

<--

1 \* \* \*

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

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

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

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

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

13 (2) AN ABSENTEE OR ELECTRONIC BALLOT MAY:

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

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

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

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

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

9 § 5103. Definitions.

10 The following words and phrases when used in this subpart and  
11 in the declaration and bylaws shall have the meanings given to  
12 them in this section unless specifically provided otherwise or  
13 unless the context clearly indicates otherwise:

14 \* \* \*

15 "IMMEDIATE FAMILY." A PARENT, SPOUSE, CHILD, BROTHER OR <--  
16 SISTER.

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

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

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

26 (3) Has no immediate family relationship with a unit  
27 owner of the planned community or a THE planned community <--  
28 manager.

29 (4) Has no financial interest shared with a unit owner  
30 of the planned community or a THE planned community manager. <--

1           (5) If compensated by the declarant, a director, the  
2           association or a THE planned community manager, has disclosed <--  
3           the terms of the compensation to all unit owners of the  
4           planned community at a scheduled meeting.

5           \* \* \*

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

9           \* \* \*

10          Section 8 10. Section 5222 of Title 68 is amended by adding <--  
11          a subsection to read:

12          § 5222. Master associations.

13          \* \* \*

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

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

17 \* \* \*

18 Section 9 11. Sections 5306(a) (3) and ~~(6)~~ and ~~5308~~ (6), 5308 <--  
19 AND 5309(A) of Title 68 are amended to read:

20 § 5306. Bylaws.

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

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 ~~5303(g)~~ 5303(F) (relating to executive board <--  
28 members 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 unit owners of units to which at  
4 least:

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

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

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

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

23 \* \* \*

24 § 5308. Meetings.

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



1 prepaid by United States mail to the mailing address of each  
2 unit or to any other mailing address designated in writing by  
3 the unit owner. THE NOTICE OF A MEETING MAY BE DELIVERED BY <--  
4 ELECTRONIC MEANS IF THE UNIT OWNER HAS AGREED IN WRITING TO  
5 ACCEPT THE NOTICE BY ELECTRONIC MEANS OR WHERE THE BYLAWS PERMIT  
6 ELECTRONIC NOTICES. The notice of any meeting must state the  
7 time and place of the meeting and the items on the agenda,  
8 including the general nature of any proposed amendment to the  
9 declaration or bylaws; any budget or assessment changes; and,  
10 where the declaration or bylaws require approval of unit owners,  
11 any proposal to remove a 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) DELIVERY OF NOTICE.--THE BYLAWS MUST REQUIRE THAT NOTICE <--  
30 OF VIRTUAL MEETINGS OF THE ASSOCIATION BE GIVEN BY:

1           (1) FIRST CLASS OR EXPRESS MAIL, POSTAGE PREPAID, OR  
2           COURIER SERVICE, CHARGES PREPAID, TO THE MAILING ADDRESS OF  
3           EACH UNIT OR TO ANY OTHER MAILING ADDRESS DESIGNATED IN  
4           WRITING BY THE UNIT OWNER. NOTICE UNDER THIS PARAGRAPH SHALL  
5           BE DEEMED TO HAVE BEEN GIVEN TO AN UNIT OWNER WHEN DEPOSITED  
6           IN THE UNITED STATES MAIL OR WITH A COURIER SERVICE FOR  
7           DELIVERY TO THE UNIT OWNER.

8           (2) FACSIMILE TRANSMISSION, E-MAIL OR OTHER ELECTRONIC  
9           COMMUNICATION TO THE UNIT OWNER'S FACSIMILE NUMBER OR ADDRESS  
10           FOR E-MAIL OR OTHER ELECTRONIC COMMUNICATIONS SUPPLIED BY THE  
11           UNIT OWNER, PROVIDED THAT THE UNIT OWNER HAS AGREED IN  
12           WRITING TO ACCEPT THE NOTICE BY ELECTRONIC MEANS OR WHERE THE  
13           BYLAWS EXPRESSLY PERMIT MEANS OF DELIVERING ELECTRONIC  
14           NOTICE. NOTICE UNDER THIS PARAGRAPH SHALL BE DEEMED TO HAVE  
15           BEEN GIVEN TO THE UNIT OWNER WHEN SENT.

16           ~~(b)~~ (C) Use of remote technology.--Except as otherwise           <--  
17           provided in the bylaws, an individual may participate in a  
18           meeting of the executive board or association by means of a  
19           conference telephone or other remote electronic technology,  
20           including the Internet, which allows each participant in the  
21           meeting to hear each other. Participation in a meeting as  
22           authorized under this subsection shall be deemed in-person  
23           attendance at the meeting.

24           ~~(c)~~ Election sessions. The bylaws shall require that a           <--  
25           special session of the association be held not later than seven  
26           days before the election of an executive board member or officer  
27           of the association to allow the unit owners to meet each  
28           candidate for an executive board position or officer position. A  
29           special session under this subsection may be held virtually or  
30           in person. Each candidate for an executive board position or

1 ~~officer position with the association shall have equal time to~~  
2 ~~address the unit owners during a special session under this~~  
3 ~~subsection.~~

4 ~~(d) Recorded meeting. If a meeting of the association will~~  
5 ~~be recorded via audio or video, an announcement shall be made at~~  
6 ~~the commencement of the meeting that the meeting will be~~  
7 ~~recorded. A recorded meeting under this subsection shall be~~  
8 ~~available to unit owners for a period of six months after the~~  
9 ~~date of the meeting.~~

10 (D) PRE-ELECTION SESSIONS.--THE BYLAWS MUST REQUIRE THAT, IN <--  
11 THE EVENT THAT THERE ARE MORE CANDIDATES THAN OPEN POSITIONS ON  
12 THE EXECUTIVE BOARD, THEN, UPON REQUEST OF ONE OR MORE OF THE  
13 CANDIDATES, THE ASSOCIATION SHALL HOLD A SPECIAL SESSION AT  
14 LEAST SEVEN DAYS BEFORE THE ELECTION OF AN EXECUTIVE BOARD  
15 MEMBER TO ALLOW THE UNIT OWNERS TO MEET EACH CANDIDATE FOR AN  
16 EXECUTIVE BOARD POSITION. EACH CANDIDATE FOR AN EXECUTIVE BOARD  
17 POSITION SHALL HAVE EQUAL TIME TO ADDRESS THE UNIT OWNERS DURING  
18 A SPECIAL SESSION UNDER THIS SUBSECTION.

19 (E) RECORDED MEETING.--UNLESS THE BYLAWS PROVIDE OTHERWISE,  
20 MEETINGS OF THE ASSOCIATION MAY BE RECORDED BY THE EXECUTIVE  
21 BOARD VIA AUDIO OR VIDEO TECHNOLOGY, PROVIDED THAT AN  
22 ANNOUNCEMENT IS MADE BY THE PRESIDING OFFICER AT THE  
23 COMMENCEMENT OF THE MEETING THAT THE MEETING WILL BE RECORDED. A  
24 RECORDED MEETING UNDER THIS SUBSECTION SHALL BE MAINTAINED AND  
25 AVAILABLE TO UNIT OWNERS FOR A PERIOD OF NO LESS THAN SIX MONTHS  
26 AFTER THE DATE OF THE MEETING.

27 § 5309. QUORUMS.

28 (A) ASSOCIATION.--

29 (1) UNLESS THE BYLAWS PROVIDE OTHERWISE, A QUORUM IS  
30 PRESENT THROUGHOUT ANY MEETING OF THE ASSOCIATION IF PERSONS

1 ENTITLED TO CAST 20% OF THE VOTES WHICH MAY BE CAST FOR  
2 ELECTION OF THE EXECUTIVE BOARD ARE PRESENT IN PERSON OR BY  
3 PROXY AT THE BEGINNING OF THE MEETING. THE BYLAWS MAY REQUIRE  
4 A LARGER PERCENTAGE OR A SMALLER PERCENTAGE NOT LESS THAN  
5 10%.

6 (2) IF THE ASSOCIATION FAILS TO MEET A QUORUM AT TWO  
7 SUBSEQUENT MEETINGS UNDER THIS SUBSECTION, THE ASSOCIATION  
8 MAY UTILIZE THE PROVISIONS UNDER 15 PA.C.S. § 5756(B)  
9 (RELATING TO QUORUM) TO MEET QUORUM REQUIREMENTS, EXCEPT AS  
10 OTHERWISE PROVIDED IN THE DECLARATION OR BYLAWS OF THE  
11 ASSOCIATION.

12 \* \* \*

13 SECTION 12. SECTION 5310 OF THE ACT IS AMENDED BY ADDING  
14 SUBSECTIONS TO READ:

15 § 5310. VOTING; PROXIES.

16 \* \* \*

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

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

22 (I) IN PERSON OR BY PROXY AT A MEETING OF THE  
23 ASSOCIATION;

24 (II) BY ABSENTEE OR ELECTRONIC BALLOT IN ACCORDANCE  
25 WITH THIS SUBPART; OR

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

28 (2) AN ABSENTEE OR ELECTRONIC BALLOT MAY:

29 (I) BE COUNTED AS A UNIT OWNER PRESENT AND VOTING  
30 FOR THE PURPOSE OF ESTABLISHING A QUORUM, AND OTHERWISE,

1 ONLY FOR AGENDA ITEMS APPEARING ON THE BALLOT.

2 (II) NOT BE COUNTED EVEN IF PROPERLY DELIVERED, IF  
3 THE UNIT OWNER ATTENDS THE MEETING TO VOTE IN PERSON. A  
4 VOTE CAST AT A MEETING BY A UNIT OWNER SUPERSEDES A VOTE  
5 SUBMITTED BY ABSENTEE OR ELECTRONIC BALLOT PREVIOUSLY  
6 SUBMITTED FOR THAT AGENDA ITEM.

7 (3) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM  
8 "ELECTRONIC BALLOT" MEANS A BALLOT CAST OR GIVEN BY  
9 ELECTRONIC TRANSMISSION OVER THE INTERNET, VOTE MANAGEMENT  
10 SYSTEM OR THE ASSOCIATION'S COMMUNITY NETWORK, WHETHER BY  
11 DIRECT CONNECTION, INTRANET, TELECOPIER, ELECTRONIC MAIL OR  
12 OTHER TECHNOLOGICAL MEANS, IF THE IDENTITY OF THE UNIT OWNER  
13 SUBMITTING THE BALLOT CAN BE CONFIRMED AND A RECEIPT OF THE  
14 ELECTRONIC TRANSMISSION AND BALLOT CAN BE MADE AVAILABLE TO  
15 THE UNIT OWNER.

16 (F) ACCLAMATION.--UNLESS THE BYLAWS OF THE ASSOCIATION  
17 PROVIDE OTHERWISE, IN THE EVENT THAT AN ELECTION FOR A POSITION  
18 ON THE EXECUTIVE BOARD IS UNCONTESTED, THE OFFICER OR CHAIR  
19 PRESIDING AT THE ELECTION MEETING MAY DECLARE THE NOMINEE  
20 ELECTED BY ACCLAMATION AFTER DETERMINING THERE ARE NO FURTHER  
21 NOMINATIONS.

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