

OWNER OR A UNIT OWNER'S DESIGNATED REPRESENTATIVE TO SPEAK BEFORE THE BOARD TAKES FORMAL ACTION ON AN ITEM UNDER DISCUSSION, IN ADDITION TO ANY OTHER OPPORTUNITIES TO SPEAK. THE BOARD SHALL PROVIDE FOR A REASONABLE NUMBER OF PERSONS TO SPEAK ON EACH SIDE OF AN ISSUE.

(c) NOTWITHSTANDING SECTION 38-33.3-117 (1.5) (i), THIS SUBSECTION (2.5) SHALL NOT APPLY TO AN ASSOCIATION THAT INCLUDES TIME-SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7).

(4.5) UPON THE FINAL RESOLUTION OF ANY MATTER FOR WHICH THE BOARD RECEIVED LEGAL ADVICE OR THAT CONCERNED PENDING OR CONTEMPLATED LITIGATION, THE BOARD MAY ELECT TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE IN ANY APPROPRIATE MANNER, OR IT MAY ELECT TO DISCLOSE SUCH INFORMATION, AS IT DEEMS APPROPRIATE, ABOUT SUCH MATTER IN AN OPEN MEETING.

SECTION 15. 38-33.3-310 (1) and (2), Colorado Revised Statutes, are amended to read:

38-33.3-310. Voting - proxies. (1) (a) If only one of the multiple owners of a unit is present at a meeting of the association, such owner is entitled to cast all the votes allocated to that unit. If more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the multiple owners casts the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(b) (I) VOTES FOR POSITIONS ON THE EXECUTIVE BOARD SHALL BE TAKEN BY SECRET BALLOT AND, UPON THE REQUEST OF ONE OR MORE UNIT OWNERS, A VOTE ON ANY OTHER MATTER AFFECTING THE COMMON INTEREST COMMUNITY ON WHICH ALL UNIT OWNERS ARE ENTITLED TO VOTE SHALL BE BY SECRET BALLOT. BALLOTS SHALL BE COUNTED BY A NEUTRAL THIRD PARTY OR BY A UNIT OWNER WHO IS NOT A CANDIDATE, WHO ATTENDS THE MEETING AT WHICH THE VOTE IS HELD, AND WHO IS SELECTED AT RANDOM FROM A POOL OF TWO OR MORE SUCH UNIT OWNERS. THE RESULTS OF THE VOTE SHALL BE REPORTED WITHOUT REFERENCE TO NAMES, ADDRESSES, OR OTHER IDENTIFYING INFORMATION.

(II) NOTWITHSTANDING SECTION 38-33.3-117 (1.5) (j), THIS PARAGRAPH (b) SHALL NOT APPLY TO AN ASSOCIATION THAT INCLUDES TIME-SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7).

(2) (a) Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner. A PROXY SHALL NOT BE VALID IF OBTAINED THROUGH FRAUD OR MISREPRESENTATION. UNLESS OTHERWISE PROVIDED IN THE DECLARATION, BYLAWS, OR RULES OF THE ASSOCIATION, APPOINTMENT OF PROXIES MAY BE MADE SUBSTANTIALLY AS PROVIDED IN SECTION 7-127-203, C.R.S.

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

(c) THE ASSOCIATION IS ENTITLED TO REJECT A VOTE, CONSENT, WRITTEN BALLOT, WAIVER, PROXY APPOINTMENT, OR PROXY APPOINTMENT REVOCATION IF THE SECRETARY OR OTHER OFFICER OR AGENT AUTHORIZED TO TABULATE VOTES, ACTING IN GOOD FAITH, HAS REASONABLE BASIS FOR DOUBT ABOUT THE VALIDITY OF THE SIGNATURE ON IT OR ABOUT THE SIGNATORY'S AUTHORITY TO SIGN FOR THE UNIT OWNER.

(d) THE ASSOCIATION AND ITS OFFICER OR AGENT WHO ACCEPTS OR REJECTS A VOTE, CONSENT, WRITTEN BALLOT, WAIVER, PROXY APPOINTMENT, OR PROXY APPOINTMENT REVOCATION IN GOOD FAITH AND IN ACCORDANCE WITH THE STANDARDS OF THIS SECTION ARE NOT LIABLE IN DAMAGES FOR THE CONSEQUENCES OF THE ACCEPTANCE OR REJECTION.

(e) ANY ACTION OF THE ASSOCIATION BASED ON THE ACCEPTANCE OR REJECTION OF A VOTE, CONSENT, WRITTEN BALLOT, WAIVER, PROXY APPOINTMENT, OR PROXY APPOINTMENT REVOCATION UNDER THIS SECTION IS VALID UNLESS A COURT OF COMPETENT JURISDICTION DETERMINES OTHERWISE.

SECTION 16. Part 3 of article 33.3 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read: