

1 a vote on any other matter affecting the common interest community on  
2 which all unit owners are entitled to vote shall be by secret ballot.

3 (C) Ballots shall be counted by a neutral third party or by a unit  
4 ~~owner who is not a candidate, who attends the meeting at which the vote~~  
5 ~~is held, and who is selected at random from a pool of two or more such~~  
6 ~~unit owners~~ COMMITTEE OF VOLUNTEERS. SUCH VOLUNTEERS SHALL BE  
7 UNIT OWNERS WHO ARE SELECTED OR APPOINTED AT AN OPEN MEETING, IN  
8 A FAIR MANNER, BY THE CHAIR OF THE BOARD OR ANOTHER PERSON  
9 PRESIDING DURING THAT PORTION OF THE MEETING. THE VOLUNTEERS  
10 SHALL NOT BE BOARD MEMBERS AND, IN THE CASE OF A CONTESTED  
11 ELECTION FOR A BOARD POSITION, SHALL NOT BE CANDIDATES.

12 (D) The results of the A vote TAKEN BY SECRET BALLOT shall be  
13 reported without reference to THE names, addresses, or other identifying  
14 information OF UNIT OWNERS PARTICIPATING IN SUCH VOTE.

15 **SECTION 11.** 38-33.3-310.5, Colorado Revised Statutes, is  
16 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

17 **38-33.3-310.5. Executive board - conflicts of interest -**  
18 **definitions.** (1) SECTION 7-128-501, C.R.S., SHALL APPLY TO MEMBERS  
19 OF THE EXECUTIVE BOARD; EXCEPT THAT, AS USED IN THAT SECTION:

20 (a) "CORPORATION" OR "NONPROFIT CORPORATION" MEANS THE  
21 ASSOCIATION.

22 (b) "DIRECTOR" MEANS A MEMBER OF THE ASSOCIATION'S  
23 EXECUTIVE BOARD.

24 (c) "OFFICER" MEANS ANY PERSON DESIGNATED AS AN OFFICER OF  
25 THE ASSOCIATION AND ANY PERSON TO WHOM THE BOARD DELEGATES  
26 RESPONSIBILITIES UNDER THIS ARTICLE, INCLUDING, WITHOUT LIMITATION,  
27 A MANAGING AGENT, ATTORNEY, OR ACCOUNTANT EMPLOYED BY THE  
28 BOARD.

29 **SECTION 12.** 38-33.3-317 (2), (3), (4), and (7), Colorado  
30 Revised Statutes, are amended to read:

31 **38-33.3-317. Association records.** (2) (a) EXCEPT AS  
32 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), all



1 financial and other records shall be made reasonably available for  
2 examination and copying by any unit owner and such owner's authorized  
3 agents.

4 (b) (I) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION  
5 (2), A MEMBERSHIP LIST OR ANY PART THEREOF MAY NOT BE OBTAINED OR  
6 USED BY ANY PERSON FOR ANY PURPOSE UNRELATED TO A UNIT OWNER'S  
7 INTEREST AS A UNIT OWNER WITHOUT CONSENT OF THE EXECUTIVE BOARD.

8 (II) WITHOUT LIMITING THE GENERALITY OF SUBPARAGRAPH (I) OF  
9 THIS PARAGRAPH (b), WITHOUT THE CONSENT OF THE EXECUTIVE BOARD,  
10 A MEMBERSHIP LIST OR ANY PART THEREOF MAY NOT BE:

11 (A) USED TO SOLICIT MONEY OR PROPERTY UNLESS SUCH MONEY  
12 OR PROPERTY WILL BE USED SOLELY TO SOLICIT THE VOTES OF THE UNIT  
13 OWNERS IN AN ELECTION TO BE HELD BY THE ASSOCIATION;

14 (B) USED FOR ANY COMMERCIAL PURPOSE; OR

15 (C) SOLD TO OR PURCHASED BY ANY PERSON.

16 (3) The association may charge a fee, ~~not to~~ WHICH MAY BE  
17 COLLECTED IN ADVANCE BUT WHICH SHALL NOT exceed the association's  
18 actual cost per page, for copies of association records.

19 (4) As used in this section, "reasonably available" means available  
20 during normal business hours, upon notice of five business days, OR AT  
21 THE NEXT REGULARLY SCHEDULED MEETING IF SUCH MEETING OCCURS  
22 WITHIN THIRTY DAYS AFTER THE REQUEST, to the extent that:

23 (a) The request is made in good faith and for a proper purpose;

24 (b) The request describes with reasonable particularity the records  
25 sought and the purpose of the request; and

26 (c) The records are relevant to the purpose of the request.

27 (7) This section shall not be construed to invalidate any provision  
28 of the declaration, bylaws, the corporate law under which the association  
29 is organized, or other documents that more broadly defines records of the  
30 association that are subject to inspection and copying by unit owners, or



1 that grants unit owners freer access to such records; EXCEPT THAT THE  
2 PRIVACY PROTECTIONS CONTAINED IN PARAGRAPH (b) OF SUBSECTION (2)  
3 OF THIS SECTION SHALL SUPERSEDE ANY SUCH PROVISION.

4 **SECTION 13. Repeal.** 38-33.3-223, Colorado Revised Statutes,  
5 is repealed.

6 **SECTION 14.** 38-35.7-102, Colorado Revised Statutes, is  
7 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

8 **38-35.7-102. Disclosure - common interest community -**  
9 **obligation to pay assessments - requirement for architectural**  
10 **approval.** (1) ON AND AFTER JANUARY 1, 2007, EVERY CONTRACT FOR  
11 THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY IN A COMMON  
12 INTEREST COMMUNITY SHALL CONTAIN A DISCLOSURE STATEMENT IN  
13 BOLD-FACED TYPE THAT IS CLEARLY LEGIBLE AND IN SUBSTANTIALLY THE  
14 FOLLOWING FORM:

15 "THE PROPERTY IS LOCATED WITHIN A  
16 COMMON INTEREST COMMUNITY AND IS  
17 SUBJECT TO THE DECLARATION FOR SUCH  
18 COMMUNITY. THE OWNER OF THE PROPERTY  
19 WILL BE REQUIRED TO BE A MEMBER OF THE  
20 OWNER'S ASSOCIATION FOR THE COMMUNITY  
21 AND WILL BE SUBJECT TO THE BYLAWS AND  
22 RULES AND REGULATIONS OF THE  
23 ASSOCIATION. THE DECLARATION, BYLAWS,  
24 AND RULES AND REGULATIONS WILL IMPOSE  
25 FINANCIAL OBLIGATIONS UPON THE OWNER  
26 OF THE PROPERTY, INCLUDING AN  
27 OBLIGATION TO PAY ASSESSMENTS OF THE  
28 ASSOCIATION. IF THE OWNER DOES NOT PAY  
29 THESE ASSESSMENTS, THE ASSOCIATION  
30 COULD PLACE A LIEN ON THE PROPERTY AND  
31 POSSIBLY SELL IT TO PAY THE DEBT. THE  
32 DECLARATION, BYLAWS, AND RULES AND  
33 REGULATIONS OF THE COMMUNITY MAY  
34 PROHIBIT THE OWNER FROM MAKING  
35 CHANGES TO THE PROPERTY WITHOUT AN  
36 ARCHITECTURAL REVIEW BY THE  
37 ASSOCIATION (OR A COMMITTEE OF THE

