

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

4 **SECTION 12.** 38-33.3-310.5, Colorado Revised Statutes, is
5 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

6 **38-33.3-310.5. Executive board - conflicts of interest -**
7 **definitions.** (1) SECTION 7-128-501, C.R.S., SHALL APPLY TO MEMBERS
8 OF THE EXECUTIVE BOARD; EXCEPT THAT, AS USED IN THAT SECTION:

9 (a) "CORPORATION" OR "NONPROFIT CORPORATION" MEANS THE
10 ASSOCIATION.

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

13 (c) "OFFICER" MEANS ANY PERSON DESIGNATED AS AN OFFICER OF
14 THE ASSOCIATION AND ANY PERSON TO WHOM THE BOARD DELEGATES
15 RESPONSIBILITIES UNDER THIS ARTICLE, INCLUDING, WITHOUT LIMITATION,
16 A MANAGING AGENT, ATTORNEY, OR ACCOUNTANT EMPLOYED BY THE
17 BOARD.

18 **SECTION 13.** 38-33.3-317 (2), (3), (4), and (7), Colorado
19 Revised Statutes, are amended to read:

20 **38-33.3-317. Association records.** (2) (a) EXCEPT AS
21 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), all
22 financial and other records shall be made reasonably available for
23 examination and copying by any unit owner and such owner's authorized
24 agents.

25 (b) (I) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION
26 (2), A MEMBERSHIP LIST OR ANY PART THEREOF MAY NOT BE OBTAINED OR
27 USED BY ANY PERSON FOR ANY PURPOSE UNRELATED TO A UNIT OWNER'S

1 INTEREST AS A UNIT OWNER WITHOUT CONSENT OF THE EXECUTIVE BOARD.

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

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

8 (B) USED FOR ANY COMMERCIAL PURPOSE; OR

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

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

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

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

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

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

21 (7) This section shall not be construed to invalidate any provision
22 of the declaration, bylaws, the corporate law under which the association
23 is organized, or other documents that more broadly defines records of the
24 association that are subject to inspection and copying by unit owners, or
25 that grants unit owners freer access to such records; EXCEPT THAT THE
26 PRIVACY PROTECTIONS CONTAINED IN PARAGRAPH (b) OF SUBSECTION (2)
27 OF THIS SECTION SHALL SUPERSEDE ANY SUCH PROVISION.