

SENATE BILL 114

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2000 Regular Session
0lr0865

By: **Senators Ruben, Forehand, Teitelbaum, Hogan, Van Hollen, Roesser,
and Frosh**

Introduced and read first time: January 17, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Condominium Act - Secret Proxies**

3 FOR the purpose of requiring that a proxy cast at a council of condominium unit
4 owners be cast in secret; and prohibiting the disclosure of the contents of the
5 proxy in a manner that identifies how the individual casting the proxy voted.

6 BY repealing and reenacting, with amendments,
7 Article - Real Property
8 Section 11-109(c)
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1999 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Real Property**

14 11-109.

15 (c) (1) A meeting of the council of unit owners or board of directors may not
16 be held on less notice than required by this section.

17 (2) The council of unit owners shall maintain a current roster of names
18 and addresses of each unit owner to which notice of meetings of the board of directors
19 shall be sent at least annually.

20 (3) Each unit owner shall furnish the council of unit owners with his
21 name and current mailing address. A unit owner may not vote at meetings of the
22 council of unit owners until this information is furnished.

23 (4) A regular or special meeting of the council of unit owners may not be
24 held on less than 10 nor more than 90 days' written notice delivered or mailed to each
25 unit owner at the address shown on the roster on the date of the notice.

1 (5) Notice of special meetings of the board of directors shall be given as
2 provided in the bylaws.

3 (6) Except as provided in § 11-109.1 of this title, a meeting of a
4 governing body shall be open and held at a time and location as provided in the notice
5 or bylaws.

6 (7) (i) This paragraph does not apply to any meeting of the governing
7 body that occurs at any time before the meeting at which the unit owners elect
8 officers or a board of directors in accordance with paragraph (17) of this subsection.

9 (ii) Subject to subparagraph (iii) of this paragraph and to
10 reasonable rules adopted by the governing body under § 11-111 of this subtitle, a
11 governing body shall provide a designated period of time during a meeting to allow
12 unit owners an opportunity to comment on any matter relating to the condominium.

13 (iii) During a meeting at which the agenda is limited to specific
14 topics or at a special meeting, the unit owners' comments may be limited to the topics
15 listed on the meeting agenda.

16 (iv) The governing body shall convene at least one meeting each
17 year at which the agenda is open to any matter relating to the condominium.

18 (8) Unless the bylaws provide otherwise, a quorum is deemed present
19 throughout any meeting of the council of unit owners if persons entitled to cast 25
20 percent of the total number of votes appurtenant to all units are present in person or
21 by proxy.

22 (9) At meetings of the council of unit owners each unit owner shall be
23 entitled to cast the number of votes appurtenant to his unit. Unit owners may vote by
24 proxy, but the proxy is effective only for a maximum period of 180 days following its
25 issuance, unless granted to a lessee or mortgagee.

26 (10) Any proxy may be revoked at any time at the pleasure of the unit
27 owner or unit owners executing the proxy.

28 (11) A proxy who is not appointed to vote as directed by a unit owner may
29 only be appointed for purposes of meeting quorums and to vote for matters of business
30 before the council of unit owners, other than an election of officers and members of
31 the board of directors.

32 (12) Only a unit owner voting in person or a proxy voting for candidates
33 designated by a unit owner may vote for officers and members of the board of
34 directors.

35 (13) A PROXY CAST UNDER THIS SUBSECTION SHALL BE CAST IN SECRET.
36 BEFORE, DURING, AND AFTER THE PROXY IS CAST, THE CONTENTS OF A PROXY MAY
37 NOT BE DISCLOSED IN A MANNER THAT IDENTIFIES HOW THE INDIVIDUAL CASTING
38 THE PROXY VOTED.

1 [(13)] (14) Unless otherwise provided in the bylaws, a unit owner may
2 nominate himself or any other person to be an officer or member of the board of
3 directors. A call for nominations shall be sent to all unit owners not less than 45 days
4 before notice of an election is sent. Only nominations made at least 15 days before
5 notice of an election shall be listed on the election ballot. Candidates shall be listed on
6 the ballot in alphabetical order, with no indicated candidate preference. Nominations
7 may be made from the floor at the meeting at which the election to the board is held.

8 [(14)] (15) Election materials prepared with funds of the council of unit
9 owners shall list candidates in alphabetical order and may not indicate a candidate
10 preference.

11 [(15)] (16) Unless otherwise provided in this title, and subject to provisions
12 in the bylaws requiring a different majority, decisions of the council of unit owners
13 shall be made on a majority of votes of the unit owners listed on the current roster
14 present and voting.

15 [(16)] (17) A meeting of the council of unit owners shall be held within 60
16 days from the date that units representing 50 percent of the votes in the
17 condominium have been conveyed by the developer to the initial purchasers of units
18 to elect officers or a board of directors for the council of unit owners, as provided in
19 the condominium declaration or bylaws.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2000.