

**RCW 64.90.455 Unit owner voting.** (1) Unit owners may vote at a meeting under subsection (2) or (3) of this section or, when a vote is conducted without a meeting, by ballot in the manner provided in subsection (4) of this section.

(2) At a meeting of unit owners the following requirements apply:

(a) Unless the declaration or bylaws otherwise provide, and except as provided in subsection (9) of this section, unit owners or their proxy holders may vote by voice vote, show of hands, standing, written ballot, or any other method authorized at the meeting.

(b) If unit owners attend the meeting by a means of communication under RCW 64.90.445(1) (e) or (f), the association shall implement reasonable measures to verify the identity of each unit owner attending remotely.

(c) Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(d) When a unit owner votes by absentee ballot under (c) of this subsection, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

(3) Unless the declaration or organizational documents otherwise provide, unit owners may vote by proxy subject to the following requirements:

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) When a unit owner votes by proxy, the association shall implement reasonable measures to verify the identity of the unit owner and the proxy holder.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates 11 months after its date of issuance.

(4) Unless the declaration or organizational documents otherwise provide, an association may conduct a vote without a meeting. The following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot without a meeting.

(b) The notice under (a) of this subsection must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than 14 days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to approve each matter other than election of board members; and

(iii) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver with the notice under (a) of this subsection:

(i) Instructions for casting a ballot;

(ii) A ballot in a tangible medium to every unit owner except a unit owner that has consented in a record to electronic voting; and

(iii) If the association allows electronic voting, instructions for electronic voting.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A unit owner may revoke a ballot cast pursuant to this section before the date and time under (b) of this subsection by which the ballot must be delivered to the association only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b) (i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed 11 months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(k) The association shall implement reasonable measures to verify that each ballot in a tangible medium and electronic ballot is cast by the unit owner having a right to do so.

(l) A unit owner consents to electronic voting by delivering to the association a record indicating such consent or by casting an electronic ballot.

(m) An association that allows electronic ballots shall create a record of electronic votes capable of retention, retrieval, and review.

(5) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

(6) Unit owners must also be given notice of all meetings at which lessees may be entitled to vote.

(7) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

(8) (a) Unless a different number or fraction of the votes in an association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of a vote taken at a meeting or without a meeting.

(b) If a unit is owned by more than one person and:

(i) Only one owner casts a vote, that vote must be counted as casting all votes allocated to the unit by the declaration; and

(ii) More than one owner casts a vote for the unit, no vote from any owner of the unit may be counted unless the declaration provides a manner for allocating votes cast by multiple owners of a unit.

(9) Notwithstanding any other law or provision of the governing documents, the following votes of unit owners shall be conducted by secret ballot: (a) Election of board members; (b) removal of board members or officers; (c) amendments to the declaration or governing documents; or (d) unit owner approval of an amendment to the declaration for the reallocation of a common element as a limited common element for the exclusive use of an owner's unit pursuant to RCW 64.90.240. [2024 c 321 s 317; 2018 c 277 s 312.]