

RCW 64.32.280 Voting—In person, absentee ballots, proxies. (1)

Apartment owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, apartment owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of apartment owners the following requirements apply:

(a) Apartment owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of apartment owners, as designated by the person presiding at the meeting.

(b) If only one of several apartment owners of an apartment is present, that apartment owner is entitled to cast all the votes allocated to that apartment. If more than one of the apartment owners are present, the votes allocated to that apartment may be cast only in accordance with the agreement of a majority in interest of the apartment owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the apartment owners casts the votes allocated to the apartment without protest being made promptly to the person presiding over the meeting by any of the other apartment owners of the apartment.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, an apartment 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.

(4) When an apartment owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the apartment owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

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

(b) If an apartment is owned by more than one person, each apartment owner of the apartment may vote or register protest to the casting of votes by the other apartment owners of the apartment through a duly executed proxy.

(c) An apartment 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 an apartment owner does not revoke a proxy given by the apartment 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 eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the apartment owners that the vote will be taken by ballot.

(b) The notice 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 fourteen 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 meet the quorum requirements;

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

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

(c) The association must deliver a ballot to every apartment owner with the notice.

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

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of an apartment 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 of directors may extend the deadline for a reasonable period not to exceed eleven 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 apartment 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.

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

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

(b) Apartment owners that have leased their apartments 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 apartment owners.

(8) Apartment owners must also be given notice, in the manner provided in RCW 64.32.270, of all meetings at which lessees may be entitled to vote.

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

(10) Except as otherwise restricted by the declaration, bylaws, or articles of incorporation, meetings of apartment owners may be conducted by telephonic, video, or other conferencing process, if: (a) The meeting notice states the conferencing process to be used and provides information explaining how apartment owners may participate in the conference directly or by meeting at a central location or conference connection; and (b) the process provides all apartment owners the opportunity to hear or perceive the discussion and to comment. [2021 c 227 § 3.]