

Good afternoon; thank you chair for hearing my testimony. My name is Tamara Pelham; I own a home in the first HOA I've ever lived in.

I write better than I speak, so please excuse me while I largely read my testimony for 3 minutes.

I appreciate the effort to propose narrowly-scoped changes to the proxy provisions of CCIOA in an effort to limit gross abuse/s of this generic legal mechanism that should be reasonably be available to anyone to reassign their voter prerogative for personal reasons. It will likely help some.

However I, personally, fail to find, within the construct of relevant law – CCIOA and Nonprofit, a sure and concise way to reasonably stop HOA abuses of proxies without undermining the legitimate uses of proxies as legal vehicles. Individual rights to vote proxies as assigned cannot be sufficiently limited within CCIOA's language to stop an HOA Board from needing the proxy to meet QUORUM, and then after having the collective proxy, abusing the power of the collective vote.

I brought documentation evidentiary for your reference of how even the Instructions to homeowners persuade the abuse of proxies. They are clearly crafted to compel homeowners to use a proxy – “to meet” QUORUM. And, because so many homeowners don't know any better, they do it.

Combine the VACANT understanding of proxies with voting instructions that say:

“Proxies will be due back to Westwind Management by October 19, 2020 at 5:00pm and a postage paid envelope is included for your use...No proxies will be received after...we need to be able to achieve quorum BEFORE the meeting.”

And what is the common homeowner supposed to think? Just “Send in my Proxy” And then, who gets to craft the proxy template? The Board or their counsel, or their property manager – and they can make those proxies look any way they want. Because nobody recognizes a Proxy can be written on a napkin and signed if someone wants to. **EVERYTHING ABOUT THIS PROCESS IS SUBJECTIVE AND THEREFORE VULNERABLE TO SERUPTITIOUS INFLUENCE.**

Limiting any individual to hold only 5% of the proxies will simply mean several Board members – OR THEIR DESIGNEES - will each cast 5% of the proxy vote, and the vote will continue to be biased.

The Proxy isn't the root-problem - It's QUORUM. QUORUM needs to be removed from CCIOA, and it can still remain in the Non-Profit Act because the Non-Profit reports to CCIOA (in 38-33.3-319), not the other way around

Local, municipal, state, and federal elections do not require quorum. No one is excluded from voting, but no one should be forced either. In effect, HOAs are the lowest echelon of governance affecting the lives of people in their native habitats and they are, functionally – quasi-municipal and need to be treated as such even if Colorado law does not recognize it.

Nevada has gone so far as to statutorily eliminate QUORUM requirements for HOA board elections. [NRS 116.31034(15)(c)] Although this is not a small tweak to our laws, it is a necessary change to allow TRUE DEMOCRACY to unfold throughout those lowest echelons of governance.

Your constituents – regardless of Party Affiliation need your honest Representation to overcome these complex challenges.

This issue Qualifies. As soon as any kind of proposed legislation is introduced to eliminate QUORUM, every commercially-interested entity – Property Management Companies, attorneys, CAI – they will all come out and oppose eliminating QUORUM. Why? Because QUORUM AND PROTECTING THE CONSISTENCY OF BOARDS PRESERVES THEIR CASH-COWS.

We need you to forward THIS proposed Amendment to CHANGE THESE FEW WORDS of CCIOA, AND THEN we need you to QUORUM at the level of the HOA.

Thank you for your time and consideration.