

CITIZEN-DRAFTED BILL CB-608

Requested: September 7, 2025

Suggested assignment to: Economic Matters

AN ACT concerning

Common ownership – Elections, voting, and awards

FOR the purpose of consumer protection, election integrity, eliminating rigged proxies and interference at annual meetings, eliminating unauthorized recess to manipulate voting, allowing election notices to include a call for candidates to reduce mailing costs, requiring election notices to disclose term expirations, requiring provisional ballots, inhibiting insular procurement or monopolies, eliminating loopholes resulting in refusal to recognize authority of the council of unit owners, and other predatory abuses.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Bold indicates matters for general awareness, usually existing law that provides key context for the bill.

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

Article – Real Property

11-109

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

(c)(9) At meetings of the council of unit owners each unit owner shall be entitled to cast the number of votes appurtenant to his unit. Unit owners may vote by proxy, but the proxy is effective only for a maximum period of 180 days following its issuance, unless granted to a lessee or mortgagee. A DEFAULT PROXY SHALL NOT BE PRE-PRINTED ON ANY ELECTION MATERIALS OR PROXY FORMS. A PROXY DESIGNATION IS INVALID IF IT RELIES ON ANY DEFAULT PROXY OR IF A PROXY FIELD IS LEFT BLANK ON A PROXY FORM.

(c)(13) Unless otherwise provided in the bylaws, a unit owner may nominate himself or any other person to be an officer or member of the board of directors. A call for nominations shall be sent to all unit owners not less than [45] **42** days before [notice of] an election [is sent] **MEETING DATE**. Only nominations made at least [15] **14** days before notice of an election shall be listed on the election ballot. Candidates shall be listed on the ballot in alphabetical order, with no indicated candidate preference. NOTWITHSTANDING SECTION 11-139.3 OF THIS TITLE, NOMINATIONS [Nominations] may be made from the floor at the meeting at which the election to the board is held.

(c)(14) Election materials [prepared with funds] of the council of unit owners [shall], INCLUDING THROUGH ITS AGENTS AND VENDORS, SHALL:

(I) list candidates in alphabetical order;

(II) [and may] not indicate a candidate preference;

(III) DISCLOSE THE EXPIRATION DATES OF EACH TERM CONSISTENT WITH THE PATTERN OF STAGGERED TERMS SET FORTH IN THE BYLAWS FOR THE FIRST INITIAL MEETING FOLLOWING DEVELOPER CONTROL, OR CONSISTENT WITH THE PATTERN SET FORTH IN A BYLAW AMENDMENT PROPERLY APPROVED BY THE COUNCIL OF UNIT OWNERS; AND

(IV) BE INCLUDED IN ELECTION MEETING NOTICES

(c)(15) Unless otherwise provided in this title, and subject to provisions in the bylaws requiring a different majority OF THE COUNCIL OF UNIT OWNERS, decisions of the council of unit owners shall be made on a majority of votes of the unit owners listed on the current roster present and voting.

(c)(17) (i) Elections, including the collection and counting of ballots and the certifying of results, for officers or members of the governing body other than the full membership of the council of unit owners shall be conducted by independent parties who:

1. Are not candidates in the election; and

2. Do not have a conflict of interest regarding any candidate in the election.

(c)(18) The governing body may retain a third-party vendor or employ a commercial technology platform to conduct an election, PROVIDED THAT THE VENDOR IS:

(I) NOT FOREIGN-OWNED;

(II) CHARTERED IN THE STATE OF MARYLAND;

(III) UNDER THE JURISDICTION OF MARYLAND COURTS;

(IV) VOIDABLE BY THE COUNCIL OF UNIT OWNERS;

(V) CONTRACTUALLY RELEASING ALL CLAIMS OF OWNERSHIP AND CONFIDENTIALITY REGARDING ELECTION VOTER DATA TO THE COUNCIL OF UNIT OWNERS; AND

(VI) MAINTAINING AUDITABLE DATA THAT UNIQUELY IDENTIFIES THE VOTER FOR EACH VOTE CAST WITHIN THE PLATFORM

(c)(22) Provisions of the governing documents, rules, or regulations of a condominium relating to the conduct of elections, DECISIONS, OR VOTING RIGHTS that are inconsistent with the requirements of this section are unenforceable and void.

(c)(23) NOTWITHSTANDING THE GOVERNING DOCUMENTS, THE COUNCIL OF UNIT OWNERS SHALL HAVE THE RIGHT TO DIRECTLY NOMINATE AND ELECT THE ASSOCIATION PRESIDENT AND CHAIR, **WHETHER AS SAME OR SEPARATE OFFICES.**

(c)(24) PROVISIONAL BALLOTS FOR DISQUALIFIED VOTERS SHALL BE COLLECTED AND REPORTED. AN INDEPENDENT PARTY SHALL REVIEW DISQUALIFICATIONS FOR ERRORS AND PROVIDE DISQUALIFIED VOTERS WITH AN OPPORTUNITY TO DISPROVE THE DISQUALIFICATION.

(c)(25) NOTWITHSTANDING SUBPARAGRAPH (15) OF THIS PARAGRAPH OR THE BYLAWS, A BOARD OF DIRECTORS AT A MEETING OF THE COUNCIL OF UNIT OWNERS SHALL BE PROHIBITED FROM TAKING AN ACTION TO GO INTO RECESS OR ADJOURNMENT WITHOUT A VOTE OF THE COUNCIL OF UNIT OWNERS.

11-111

(a)(1) SUBJECT TO THE POWER OF THE COUNCIL OF UNIT OWNERS TO ADOPT OR RESCIND RULES UNDER SECTION 11-109(c)(15) OF THIS TITLE, [The council of unit owners or] the body delegated in the bylaws of a condominium to carry out the responsibilities of the council of unit owners may adopt OR RESCIND rules for the condominium if: ...

11-113

(a) Unless the declaration or bylaws state otherwise, the dispute settlement mechanism provided by this section is applicable to complaints or demands formally arising on or after October 1, 2022.

(b) (1) The council of unit owners or board of directors may not impose a fine, **suspend voting**, or infringe upon any other rights of a unit owner or other occupant for violations of rules until the procedures in this subsection are followed. THIS SECTION IS APPLICABLE ONLY TO ALLEGED VIOLATIONS OF RULES PROPERLY PASSED ~~AND RECORDED~~ UNDER SECTION 11-111 OF THIS TITLE OR APPEARING IN A PROPERLY PASSED GOVERNING DOCUMENT ON FILE IN THE COUNTY LAND RECORDS. ALL OTHER ALLEGED VIOLATIONS ARE UNENFORCEABLE AND VOID.

(2) A written demand to cease and desist from an alleged violation shall be provided to the alleged violator specifying:

(i) The alleged violation, CITING THE GOVERNING DOCUMENT AND APPLICABLE PAGE, PARAGRAPH, RULE NUMBER, OR BYLAW NUMBER, AND EXCERPTING THE RELEVANT LANGUAGE;

(ii) The action required to abate the violation; [and]

(iii) A time period, not less than 15 days, during which the violation may be abated without further sanction, if the violation is a continuing one, or a statement that any further violation of the same rule may result in the imposition of sanction after notice and opportunity for hearing if the violation is not continuing; AND

(iv) A STATEMENT THAT "CONSUMERS ARE ADVISED TO REVIEW SECTIONS 11-110, 11-113, AND 14-201 THROUGH 14-206 OF THE MARYLAND REAL PROPERTY ARTICLE."

11-133

(c) ANY ORAL OR WRITTEN SOLICITATION FOR A CONTRACTOR THAT WILL REQUIRE AN APPROVAL VOTE FROM THE GOVERNING BODY SHALL ALSO BE COMMUNICATED TO UNIT OWNERS WHO HAVE PROVIDED A WRITTEN REQUEST FOR SOLICITATION NOTICES. THE MANAGEMENT COMPANY AND BOARD MUST ACCEPT FOR CONSIDERATION ANY PROPOSAL FROM A QUALIFIED OR LICENSED CONTRACTOR THAT MEETS LAWFUL CRITERIA SPECIFIED IN THE SOLICITATION. CONTRACTORS RECOMMENDED BY UNIT

OWNERS SHALL NOT BE EXCLUDED FROM CONSIDERATION. ANY CONFLICT OF INTEREST SHALL BE DISCLOSED BY THE UNIT OWNER, BOARD MEMBER, CONTRACTOR, STAFF, OR MANAGEMENT COMPANY.

(d) BEFORE THE AWARD OF A NEW CONTRACT, CHANGE ORDER, OR CONTRACT RENEWAL IN EXCESS OF \$10,000, OTHER THAN EXPENSES FOR REASONABLE HEALTH OR SAFETY ISSUES OR PREVENTING SIGNIFICANT RISK OF DAMAGE, A MANAGEMENT COMPANY SHALL PROVIDE TO THE BOARD OF DIRECTORS A WRITTEN COPY OF ALL UNIQUE SOLICITATION MATERIAL THAT WAS USED TO SOLICIT BIDS OR PRICE QUOTES. EACH DIRECTOR SHALL HAVE THE AUTHORITY TO INVESTIGATE AND VERIFY THE SOLICITATION MATERIAL DIRECTLY WITH THE SOLICITED VENDOR.

(e) AN AGREEMENT FOR TRASH COLLECTION SHALL NOT REQUIRE EXCLUSIVE USE OF A SINGLE SERVICE PROVIDER.

11-139.3

(d) Notwithstanding language contained in the governing documents of the council of unit owners, nominations from the floor at the meeting are not required TO BE SOLICITED IN THE ABSENCE OF AN OBJECTION if at least one candidate has been nominated to fill each open board position, SUBJECT TO SECTION 11-109(c)(13) OF THIS TITLE.

11B-118

(a) (1) Elections for the governing body of a homeowners association, including the collection and counting of ballots and the certifying of results, shall be conducted by independent parties who:

(i) Are not candidates for positions on the governing body of the homeowners association in that election; and

(ii) Do not have a conflict of interest regarding any candidate in the election.

(a)(2)(iii) The homeowners association may retain a third-party vendor or employ a commercial technology platform to conduct an election, PROVIDED THAT THE VENDOR IS:

(I) NOT FOREIGN-OWNED;

(II) CHARTERED IN THE STATE OF MARYLAND;

(III) UNDER THE JURISDICTION OF MARYLAND COURTS;

(IV) VOIDABLE BY THE MEMBERSHIP OF THE HOMEOWNER ASSOCIATION;

(V) CONTRACTUALLY RELEASING ALL CLAIMS OF OWNERSHIP AND CONFIDENTIALITY REGARDING ELECTION VOTER DATA TO THE HOMEOWNERS ASSOCIATION; AND

(VI) MAINTAINING AUDITABLE DATA THAT UNIQUELY IDENTIFIES THE VOTER FOR EACH VOTE CAST WITHIN THE PLATFORM

(e) ELECTION MATERIALS OF THE HOMEOWNERS ASSOCIATION SHALL:

(1) LIST CANDIDATES IN ALPHABETICAL ORDER;

(2) NOT INDICATE A CANDIDATE PREFERENCE;

(3) DISCLOSE THE EXPIRATION DATES OF EACH TERM CONSISTENT WITH THE PATTERN OF STAGGERED TERMS SET FORTH IN THE BYLAWS FOR THE FIRST INITIAL MEETING FOLLOWING DEVELOPER CONTROL, OR CONSISTENT WITH THE PATTERN SET FORTH IN A BYLAW AMENDMENT PROPERLY APPROVED BY THE MEMBERSHIP OF THE HOMEOWNER ASSOCIATION; AND

(4) BE INCLUDED IN ELECTION MEETING NOTICES

(f) NOTWITHSTANDING THE GOVERNING DOCUMENTS, THE MEMBERSHIP OF THE HOMEOWNER ASSOCIATION SHALL HAVE THE RIGHT TO DIRECTLY NOMINATE AND ELECT THE ASSOCIATION PRESIDENT AND CHAIR.

(g) PROVISIONAL BALLOTS FOR DISQUALIFIED VOTERS SHALL BE COLLECTED AND REPORTED. AN INDEPENDENT PARTY SHALL REVIEW DISQUALIFICATIONS FOR ERRORS AND PROVIDE DISQUALIFIED VOTERS WITH AN OPPORTUNITY TO DISPROVE THE DISQUALIFICATION.

(h) NOTWITHSTANDING ANY OTHER SECTION OF THIS TITLE OR THE BYLAWS, A BOARD OF DIRECTORS AT A MEETING OF THE MEMBERSHIP OF THE HOMEOWNER ASSOCIATION SHALL BE PROHIBITED FROM TAKING AN ACTION TO GO INTO RECESS OR ADJOURNMENT WITHOUT A VOTE OF THE MEMBERSHIP OF THE HOMEOWNER ASSOCIATION.

11B-111.10

(a) Unless the declaration or bylaws state otherwise, the dispute settlement mechanism provided by this section is applicable to complaints or demands formally arising on or after October 1, 2022.

(b) (1) The board of directors or other governing body of the homeowners association may not impose a fine, **suspend voting**, or infringe on any other right of a lot owner or any other occupant for violations of rules until the procedures in this subsection are followed. THIS SECTION IS APPLICABLE ONLY TO ALLEGED VIOLATIONS OF RULES, INCLUDING VIOLATIONS OF ~~IN~~ A PROPERLY PASSED GOVERNING DOCUMENT ON FILE IN THE COUNTY LAND RECORDS. ALL OTHER ALLEGED VIOLATIONS ARE UNENFORCEABLE AND VOID.

(2) A written demand to cease and desist from an alleged violation shall be provided to the alleged violator specifying:

(i) The nature of the alleged violation, CITING THE GOVERNING DOCUMENT AND APPLICABLE PAGE, PARAGRAPH, RULE NUMBER, OR BYLAW NUMBER, AND EXCERPTING THE RELEVANT LANGUAGE;

(ii) The action required to abate the violation; [and]

(iii) A period of time, not less than 15 days, during which the violation may be abated without further sanction, if the violation is a continuing violation, or a statement that any further violation of the same rule may result in the imposition of sanction after notice and opportunity for hearing if the violation is not continuing; AND

(iv) A STATEMENT THAT "CONSUMERS ARE ADVISED TO REVIEW SECTIONS 11B-111.10 AND 14-201 THROUGH 14-206 OF THE MARYLAND REAL PROPERTY ARTICLE."

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.